By Mr. STEPHENS of California: Petition of the Los Angeles Chamber of Commerce, Los Angeles, Cal., favoring the passage of legislation for an immediate reform in the banking system of the United States; to the Committee on Banking and Currency.

Also, petition of John P. Newell, Los Angeles, Cal., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Holly Sugar Co., Huntington Beach, Cal., the California Corrugated Culvert Co., West Berkeley, Cal., and the Robert Dollar Co., San Francisco, Cal., all protesting against the proposed reduction of the tariff on sugar; to the Committee on Ways and Means.

Also, petition of Henry Hauser and 810 other citizens of the following cities and towns of California: Artesia, Anaheim, Alameda, Arroyo Grande, Alvarado, Bay City, Buena Park, Chino, Betteravia, Compton, Colusa, Concord, Daly City, Downey, El Monte, Gilroy, Garden Grove, Hueneme, Hynes, Huntington Beach, Irvington, Lompoc, Los Alamitos, Long Beach, Los Angeles, Lugo, Laws, Meridian, Moss, Monterey, Marysville, Norwalk, Ontario, Oceano, Owensmouth, Oxnard, Pacific Grove, Pleasanton, Salinas, San Francisco, Santa Maria, Santa Ana, Soledad, Talbert, Van Nuys, Watsonville, Westminster, and Woodland, all protesting against placing sugar on the free list; to the Committee on Ways and Means.

By Mr. WALLIN: Petition of citizens of the thirtieth congressional district of New York, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of sundry citizens of New York, N. Y., protesting against the removal of the tariff on Philippine tobacco and cigars; to the Committee on Ways and Means.

By Mr. WILLIS: Petition of Steubenville (Ohio) Chamber of Commerce, favoring currency-reform legislation at present session of Congress; to the Committee on Banking and Currency.

SENATE.

TUESDAY, *May 6, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present resolutions adopted by the General Court of the Commonwealth of Massachusetts, favoring the continuance of the present Federal policy in regard to the preservation of the national forests. I ask that the resolutions be printed in the RECORD and referred to the Committee on the Conservation of National Resources.

There being no objection, the resolutions were referred to the Committee on the Conservation of National Resources and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1913.

Resolutions relative to the national forests.

Whereas it is for the interest of the whole people that Federal control of the national forests should be continued; and

Whereas the protection, administration, and development of the national forests involve a financial burden beyond the ability of any State to assume: Therefore be it

Resolved, That the General Court of Massachusetts urges that the policy established by the Government of the United States in regard to the Federal conservation and development of the national forests should be maintained, and that the control of the national forests should not be turned over to any State or to any individual or corporation.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officer of each branch of Congress and to each Senator and Representative from Massachusetts in Congress.

In house of representatives, adopted April 10, 1913.
In senate, adopted in concurrence April 15, 1913.
A true copy.
Attest:

FRANK J. DONAHUE,
Secretary of the Commonwealth.

Mr. GALLINGER presented petitions of sundry citizens of Milford, Hinsdale, Stratham, and Center Sandwich, in the State of New Hampshire, policyholders in the Mutual Life Insurance Co. of New York; of Amos S. Rundlett, of Portsmouth, N. H.; Krikor Haehannasian, of Nashua, N. H.; D. P. Kingsley, president of the New York Life Insurance Co.; John Bancroft, of Wilmington, Del.; W. T. Galliher, president of the American National Bank, of Washington, D. C.; of the Chamber of Commerce of Rochester, N. Y.; and of sundry citizens of Philadelphia, Pa., praying for the exemption of mutual life insurance companies from the operation of the proposed income-tax clause in the pending tariff bill, which were referred to the Committee on Finance.

He also presented the petition of Rev. Robert C. Falconer, of Hanover, N. H., praying for the enactment of legislation providing compensation for employees of the United States suffering injuries sustained or occupational diseases contracted in the course of their employment, which was referred to the Committee on Education and Labor.

Mr. SMITH of South Carolina presented memorials of A. F. McKissick, president and treasurer of the Grendel Mills, of Greenwood; of James D. Hammett, president and treasurer of the Orr Cotton Mills, of Anderson; of Robert Chapman, president and treasurer of the Marlboro Cotton Mills, of McColl; and of John A. Law, president and treasurer of the Saxon Mills, of Spartanburg, all in the State of South Carolina, remonstrating against any reduction in the duty on cotton, which were referred to the Committee on Finance.

Mr. CLAPP. I present a memorial from citizens of the State of Minnesota, remonstrating against the income-tax section of the pending tariff bill relating to the taxation of life insurance companies operating exclusively on the mutual plan, and I ask its reference to the Committee on Finance.

I wish to call attention to the fact that somebody is misleading the men who signed this memorial. It is a prepared form and recites that the proposed tax to be imposed upon insurance companies by the pending tariff bill is in addition to and duplication of the tax now provided by the Payne-Aldrich law as a corporation tax. Whoever prepared it certainly either did not read the pending bill or is himself guilty of a willful intention to mislead.

I wish to make this statement in connection with the memorial so that the memorialists, if they read it in the RECORD, will see that they have been misled in this matter.

The VICE PRESIDENT. The memorial will be referred to the Committee on Finance.

Mr. NORRIS presented a petition of Local Union No. 107, Farmers' Educational and Cooperative Union of America, of Crowell, Nebr., praying for a reduction in the duty on sugar, which was referred to the Committee on Finance.

Mr. WORKS presented a memorial of sundry citizens of Kaweah, Three Rivers, Exeter, Hayward, Oilfields, Visalia, and Farmersville, all in the State of California, remonstrating against the transfer of the control of the national forests to the several States, which was referred to the Committee on the Conservation of National Resources.

He also presented a petition of sundry citizens of Martinez and Oakland, in the State of California, praying that currants be placed on the free list, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Ventura Chamber of Commerce, of San Buenaventura, Cal., remonstrating against a reduction in the duty on citrus fruits, which was referred to the Committee on Finance.

TARIFF DUTY ON CITRUS FRUITS.

Mr. WORKS. Mr. President, I have here a letter from Charles C. Chapman, of Fullerton, Cal., giving some facts that I think are interesting and instructive on the subject of the growing of citrus fruits in California and bearing on the question of the tariff. I ask that the letter may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

FULLERTON, CAL., *April 24, 1913.*

Hon. JOHN D. WORKS, *Washington, D. C.*

MY DEAR SENATOR: I have had the privilege of reading a copy of your letter to the Citrus Protective League, bearing date of April 11. First let me say I appreciate both your position and the spirit of the letter. Your well-known disposition to treat with fairness every question I assure you I also appreciate, and all we need to ask for in behalf of the citrus industry is fair and reasonable treatment.

I know Mr. Powell is quite capable of furnishing you any data which you may desire in order to present this question to the Senate; but I want to take the liberty of emphasizing, perhaps, a few points which occur to me as important. I speak more particularly in behalf of the orange growers, not having been in recent years a lemon grower. I have, however, been induced to put out a large lemon orchard, and naturally feel deeply interested in the outcome of legislation on the lemons. I can say, however, that some years ago I had about 35 acres of lemons, and for seven or eight years I did not make one dollar off the entire acreage. The trees bore heavily; but I could not, however, seem to realize anything from them. I therefore rebudded them to oranges. A little later protection was given the industry, and those who had lemon orchards have, I understand, done very well; but this came only after a long, discouraging struggle.

The President, in his message to Congress on the tariff, said something about the chief need of the American producers, in order to compete with the world, was that they should sharpen their wits, or words to that effect. If he was to step into one of our modern packing houses, I am sure he would find a splendid display of the best inventive genius and application of mechanical forces to be found in the world. In my own packing house, used solely for packing my own fruit, I have equipment which cost between $7,000 and $8,000, and it requires more than an ordinary grade of intelligence to manipulate the various pieces of machinery. All of this equipment is that we might handle the fruit with greater care and put up a uniform package, both as regards quality and size and make it, as well, attractive to the trade.

I mention this, for many do not realize how much handling of the orange, and lemon as well, is necessary before it reaches the consumer. This is all done by well-paid labor. I should very much regret to be forced to reduce the wage of any of this help, but if we are forced to retrench by reason of having any of the markets taken from us among the first places we should go would be to the help, because this is the largest item which enters into the handling of the fruit.

The impression prevails that the citrus industry has been immensely profitable and that the growers have been making big money. That is not true. Many have done well, but no better than the farmers in many sections of the country have done. It requires active, enterprising, and intelligent direction of the business to produce even a reasonable income. Practically all of our growers have come here from the East, and the charms this country has for them has induced many to talk much, and, indeed, often "blow" about results. Everyone, as you know, catches the spirit and talks big of California, and this has given a wrong impression as to the real results of the efforts of a series of years. I am often pointed to as one of the most successful growers, but I could have made more money in other enterprises, either here or in the East, from whence I came, had I put into them as much of my life as I have into the citrus industry.

To my mind the great loss from a reduction of the tariff on oranges would be the loss, or largely so, of the New York market. This is the best orange market in the world. It sets the price for the entire country, and if the tariff was reduced so that oranges could be brought in freely that market would be continually demoralized. It would be unsettled, and therefore unprofitable, to the New York trade, and therefore to the California growers and shippers. It is really only a few of the New York dealers who want a reduction, and these, I am told, are mostly foreigners.

We are giving the consumers good fruit, well and honestly put up, and at very reasonable prices, and it is widely distributed throughout the Nation, so that every small village has fresh fruit continually; and I presume, if let alone, the increase of production, the lower transportation charges, and even still better facilities for handling the fruit will enable us to give it to the consumers at still lower prices; but if all this is disrupted the industry could not possibly go on in its splendid development as it has in the past 10 years.

Most of our growers—in fact, practically all of them—have come here from different sections of the East. Many came when well past middle life and invested their savings in the citrus business, expecting to pass the remainder of their life here in comparative comfort. It will be hard, exceedingly so, for these people to see the business in which they have invested their all demoralized. Many of these, for there are thousands of them, would not be able to survive the financial loss that this would incur.

It is difficult for us to say just how much reduction of the tariff may be made and our industry still survive, or even continue without serious demoralization and loss. None of us know just how much encouragement the importers would get from even a slight reduction. They have been making a great fight for reduction, with the evident intention of using our markets to the fullest extent if permitted. If they are encouraged to do this, in the very nature of the case it will greatly injure us. Both the home producer and the importer can not use the same markets with profit. One must be the loser and eventually driven out, and he would be the one who had put the most money in producing, handling, and transporting the fruit. Here we would be at a disadvantage, for in all three items we put in far in excess of double the amount of money that the foreigner does.

It does seem hard after so many of us have been putting in our best efforts for years, and all the money we could raise, in building up an industry which in itself has been highly beneficial to the whole country to have it ruined or greatly crippled by legislation made solely, it would seem, in the interest of the foreign producer.

The eastern manufacturers will feel the demoralization of the citrus industry, for our money has been spent freely in buying all sorts of implements and articles made there.

Pardon this long communication, but I know in what I am saying I voice the sentiment of a great many growers.

Thanking you for what you have done for us, and trusting that you will fight hard to preserve as nearly as possible the present rate on oranges, I am,

Sincerely, yours, CHARLES C. CHAPMAN.

DORA D. WALKER.

Mr. TILLMAN. On the 12th ultimo I introduced a bill (S. 750) for the relief of Dora D. Walker, which was referred to the Committee on Pensions. I ask that that committee be discharged from the further consideration of the bill and that it be referred to the Committee on Claims.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 1830) granting a pension to Mary S. Bartlett (with accompanying paper); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 1831) granting a pension to Mary Kehoe; to the Committee on Pensions.

By Mr. SAULSBURY:

A bill (S. 1832) to provide for the purchase of a site and the erection of a public building thereon at Georgetown, in the State of Delaware; to the Committee on Public Buildings and Grounds.

A bill (S. 1833) for the relief of George Hallman; to the Committee on Claims.

By Mr. GALLINGER:

A bill (S. 1834) granting a pension to Lizzie M. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 1835) granting a pension to Charles F. Lane; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 1836) granting an increase of pension to Henry Marble (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 1837) granting an increase of pension to George W. Robinson; and

A bill (S. 1838) granting a pension to Ada Jernigen; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 1839) granting an increase of pension to Levin A. Harvey; to the Committee on Pensions.

THE TARIFF.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. MYERS submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. MARTINE of New Jersey submitted an amendment proposing to repeal the clause in section 28 of the public buildings act approved March 4, 1913, providing that no person now in the employment of the Supervising Architect's Office shall be eligible to such employment, intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and to be printed.

LAWS OF PORTO RICO (S. DOC. NO. 20).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying volume, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Legislative Assembly of Porto Rico during the session beginning January 13 and ending March 13, 1913.

WOODROW WILSON.

THE WHITE HOUSE, *May 6, 1913.*

COLLECTOR OF CUSTOMS, PORT OF PHILADELPHIA.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read Senate resolution 76, submitted yesterday by Mr. OLIVER, as follows:

Resolved, That the President be requested, if not incompatible with the public interest, to transmit to the Senate all papers and other information in his possession or in the possession of the Treasury Department relating to the demand of the Secretary of the Treasury for the resignation of Chester W. Hill, collector of customs of the port of Philadelphia.

Mr. OLIVER. I ask for the adoption of the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. BACON. Mr. President, I suggest the interpolation of the word "documentary," so as to read "documentary information."

The VICE PRESIDENT. Does the Senator from Georgia offer that as an amendment?

Mr. BACON. I am suggesting it to the author of the resolution.

Mr. OLIVER. Mr. President, I do not appreciate the importance of the suggestion. I think the Senate is entitled to all the information, whether documentary or otherwise. It is presumed, of course, that all the information will be documentary, but if the Secretary of the Treasury is in the possession of any other information, I think it is his duty to transmit it under the resolution.

Mr. BACON. As I understand the resolution, it is directed to the President of the United States.

Mr. OLIVER. It requests the President to transmit the information in his possession or in that of the Secretary of the Treasury.

Mr. BACON. I understand; but it is addressed to the President, not to the Secretary of the Treasury, and necessarily the President, in getting from the Secretary of the Treasury that which the resolution calls for, would be limited to documentary

evidence. You could not expect that the President of the United States would call the Secretary of the Treasury before him and put him under cross-examination to know everything he had heard. Yet that would be the result of such phraseology, or at least that would be implied, I should think. The Senator himself says it will be documentary. Why not make it specific to that effect?

Mr. OLIVER. The Senator said it is presumed that it will be documentary, but it is barely possible that the Secretary of the Treasury may have in his possession information other than documentary evidence. If there is anything within his knowledge or within the suspicion of the Secretary of the Treasury detrimental to this officer, we want to have it transmitted to us. It seems to me that the insertion of the word "documentary" would be a limitation upon the information that we ask for. I do not want to insert anything in the resolution that will limit the information which may come to us.

Mr. BACON. I again suggest to the Senator that the resolution is not addressed to the Secretary of the Treasury, but to the President. If the President should undertake to comply with the request of the Senate, what would be his mode of procedure? Would he call the Secretary of the Treasury before him and make him unbosom himself as to everything he had heard in regard to this official, or would he say to him, "Send me any papers which you have?" While the President would naturally limit himself to sending for papers, it seems to me that in addressing to the President of the United States a request for information which he is to secure from some one else, it ought to be of a nature which will be definite and precise, and not put upon the President of the United States the duty of having a court of inquiry, or rather an inquiry, whether a court or not, as to all that might rest within the knowledge of the Secretary of the Treasury, everything he may have heard, representations which may have been made to him, some of them possibly without any foundation. Nevertheless, it would be information.

I do not think there is any precedent for anything of this kind. In the first place, I do not recall a resolution which has ever been addressed to the President of the United States requesting him to send information which is in the possession of some one else. Therefore if we are going beyond the usual limitation it seems to me we ought to make it as definite and concise as possible. It is with that view I took the liberty of suggesting to the Senator that it would be more satisfactory to limit it.

Of course if the President of the United States sees proper to communicate anything else he can do so. I do not know whether any Senator would object to the resolution. It rests altogether within the discretion of the President, and I myself am not disposed to object. When a request is simply made for information it seems to me that the information is presumed to be of a documentary character. No information is supposed to be in the possession of a department for official action except that which is in document shape, if I understand the matter correctly.

In view of the fact that the Senator says he does not anticipate that there will be any information except that which is found in a documentary shape I trust he will consent to make that change.

Mr. OLIVER. Well, Mr. President, this resolution is addressed to the President of the United States. I am perfectly willing, so far as I am concerned, to leave it to the judgment of the eminent American who now occupies that position as to the extent or kind of information which he will transmit.

Mr. MARTIN of Virginia. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Virginia?

Mr. OLIVER. I do.

Mr. MARTIN of Virginia. With the permission of the Senator, I should like to inquire if he is willing to state—and I suppose he is—for what purpose he desires this information? I myself am unable to see how it concerns the Senate to get this information. The President is certainly not answerable for exercising the functions of his office. He had a right to remove the incumbent in the position referred to without cause if he saw fit to remove him, and I do not understand the object to be attained by getting this information when it comes, whether it be documentary or otherwise. What use is to be made of it? Cui bono? I do not understand why the information should be asked.

Mr. OLIVER. Mr. President, if the Senator from Virginia wishes, I am very ready to state my purpose in asking for this information. When the present administration took office, about two months ago, it was definitely announced that the policy of the administration would be the policy which has prevailed for a generation past when one President succeeded another, to allow the incumbents of offices which had a definite term of service fixed by law to occupy those offices until the expiration of their terms, in the absence of some certain and specific reason to the contrary. Notwithstanding that declaration and the innumerable precedents for such action, the Secretary of the Treasury about a month ago demanded the resignation of Mr. Hill and a number of other officials occupying positions in the customhouse at Philadelphia, whose terms of service were fixed by law at four years and whose terms had not then and have not yet expired. Mr. Hill, to whom this resolution refers, replied to the Secretary of the Treasury, asking if there were any charges against the administration of his office and stating that, if so, he would decline to resign under such charges. The Secretary of the Treasury replied in effect that there were no charges pending against him, but that it was the desire of the present administration to have men in office who were in sympathy with the purposes and the policies of the administration; in other words, I presume, in short, to replace those officers who are not Democrats by those who are Democrats.

Mr. MARTIN of Virginia. Mr. President——

Mr. OLIVER. I decline to yield just now, Mr. President. I shall be very glad to yield to the Senator from Virginia later.

Mr. President, I offered a resolution in executive session to the same purport as this, but directed to the Secretary of the Treasury. It was objected at that time that the resolution should be addressed to the President, and the action on the resolution was delayed by what certain Senators on the other side termed "a filibuster." I said then, and I say now, that my purpose in offering the resolution in open session is to bring before the public the facts relating to this enforced resignation of an able, a capable, and an efficient public official.

If there is anything in the administration of Mr. Hill in the performance of the duties of his office that is open to criticism, I think we ought to know it. Notwithstanding the statement of the Secretary of the Treasury that no charges were pending against him, and that the only reason for demanding his resignation was that a man in sympathy with the purposes of the administration be put there, it has been charged on the floor of the House of Representatives by one of the Representatives from my State that this resignation was asked for, or that the officer was substantially removed because of frauds or undervaluations in the conduct of his office. If that is so, it should be investigated, and the information leading to the removal should be sent to the Senate so that the responsibility for the conduct of that office should be properly lodged and so that we should be advised whether or not there had been any misconduct, or whether the reason given was a mere pretext for substituting one kind of a man for another in a public office. That is the reason why I have offered this resolution. We want to know—and I think we ought to know—whether the present administration are going to respect the principle of maintaining efficient and honest public officers in their positions until the expiration of their terms, or whether they are going to indulge in sweeping removals without cause.

I yield to the Senator from Virginia, if he wishes me to do so.

Mr. MARTIN of Virginia. In the first place, I desire to make a parliamentary inquiry. Has this resolution been introduced this morning for the first time?

Mr. OLIVER. It was introduced on yesterday.

Mr. MARTIN of Virginia. Has unanimous consent been asked or given for its present consideration?

Mr. OLIVER. The resolution comes over under the rule, I will state to the Senator.

Mr. MARTIN of Virginia. I understood the Senator from Pennsylvania to say that it was offered this morning for the first time.

Mr. OLIVER. The resolution was offered on yesterday, and it comes over under the rule.

Mr. MARTIN of Virginia. Was it taken up yesterday? Is it not a different resolution?

Mr. OLIVER. I offered the resolution yesterday, and then asked for its present consideration. Objection was made; it went over under the rule; and it is now properly before the Senate for action.

Mr. MARTIN of Virginia. I ask the Senator from Pennsylvania if it is not a fact that there was a large sum of money paid into the Treasury recently because of violations of the customs laws at Philadelphia?

Mr. OLIVER. Mr. President, that is just exactly what we want to find out. If there was any wrongful settlement made, and if this collector had anything to do with it, then I will join with the Senators on the other side not only in confirming the nomination of his successor, but in visiting upon him any

punishment that ought to be visited upon him for such action. It is just such a thing as that that we want to ascertain, and this resolution calls for information relating to that and to any other wrongful thing that it is alleged he has done in the conduct of his office.

Mr. MARTIN of Virginia. I do not mean, Mr. President, to intimate that there was any wrongdoing on the part of the collector of customs at Philadelphia. It seems that no charges have been made against that collector of customs, but simply reasoning about the matter and having no information regarding it, I have concluded that if, in the execution of the duties of that office, one importer had so far violated the law that a compromise had to be made with him, and he had paid into the Treasury about $100,000 because the customs had not been properly collected when the goods were received, it was an indication of inefficiency, on account of which the President might with great propriety have removed the collector of customs.

I simply refer to this because I do not believe, and I hardly think there is a Senator on the floor who believes, that the President removed the collector of customs at Philadelphia in order to put a Democrat in his place. While I do not know what induced him to make the removal, I have no idea he was influenced by a consideration of that sort. It would be inconsistent with everything he has done or said, and so I am driven to the conclusion that he made the removal because he thought the service was not efficient, although no charges had been preferred; but that seems to me to be entirely immaterial. Whether he acted on that motive or on some other motive, he acted within the limits of his proper constitutional authority, and he had a right to make the removal without any cause whatever or to make the removal for cause which was satisfactory to him, and yet which he did not desire to allege. Every employer knows that there are occasions when removals are made, and yet the employer is unwilling to allege the cause which induced him to act. The idea I desired to express was simply that the information when obtained would be useless. The President has the constitutional power to make the removal without any cause whatever, and I do not, therefore, see what good will be accomplished or of what value the information will be to the Senate when it is furnished, if, indeed, it be furnished at all. I can not see the connection between the removal and the new appointment. The office is now vacant.

Mr. OLIVER. The office is not vacant, Mr. President. Mr. Hill is still the incumbent.

Mr. MARTIN of Virginia. I understood the Senator to say that Mr. Hill had resigned.

Mr. OLIVER. Resigned, to take effect upon the appointment and qualification of his successor.

Mr. MARTIN of Virginia. That is substantially a vacancy.

Mr. OLIVER. No; I beg pardon, Mr. President.

Mr. MARTIN of Virginia. Whether or not the office is vacant, it is within the jurisdiction and constitutional authority of the President to send another name to the Senate whenever he pleases to do so, and it has no connection with the resignation or the removal of the present incumbent.

Mr. OLIVER. Mr. President, the name of Mr. Hill's successor has already been sent in; and, while I admit that the President has the right to remove any official at any time, I do say that information regarding the manner of removal or the manner of creating the vacancy is of great importance to the Senate in considering the question of confirming his successor; and it is for the purpose of having this information considered in connection with the nomination of that successor, who has already been named, and whose nomination is now pending, that I ask for this information.

Mr. President, I do not propose to discuss this matter longer. If Senators on the other side want to take the responsibility of suppressing this thing, they can do so. I leave it to the judgment of the Senate whether or not they will ask for this information. I say it is pertinent to the case; it ought to be asked for, and it ought to be furnished; but if the Senate refuses to ask for it, or if the President refuses to furnish it, the responsibility is with the other side of the Chamber and not with this side.

Mr. HITCHCOCK. Mr. President, I desire to move an amendment to the resolution by striking out the words "and other information." It seems to me that the Senator from Pennsylvania should be willing to consent to this amendment. In view of the fact that we are admittedly establishing a precedent, we ought not to enter into a practice which is likely to lead us into embarrassment and into an impropriety of action. In calling upon the President, even by way of a request subject to the exigencies of the public interest, it seems to me improper to go further than to ask for the papers in the case.

I sympathize with the Senator's position, that the Senate, which confirmed the present incumbent, can very properly call upon the President to send to the Senate the papers in the case relating to his removal; but it seems to me that it is going too far to call for other information which might involve a communication from the President stating his reasons, or the reasons of the Secretary of the Treasury, not based upon written documents.

Mr. OLIVER. Mr. President, if the Senator will allow me, I think that it is thoroughly safeguarded by inserting the provision calling only for such information as the President may wish to send not incompatible with the public interest.

Mr. HITCHCOCK. The resolution is not so worded.

Mr. OLIVER. The President is the judge of what information he will furnish. I am perfectly willing to trust the President to give all the information in the case, and I am satisfied that he will give all the information in the case if this request is transmitted to him.

Mr. HITCHCOCK. The Senator does not phrase his resolution so as to request the President to send only such information as he may desire to send. He asks him to send all the information.

Mr. OLIVER. The resolution reads, "if not incompatible with the public interest."

Mr. HITCHCOCK. Yes; but then it may be quite possible that that would lead to a communication from the President, if he desired to be entirely frank with the Senate, which would go outside of the papers in the case. It seems to me that it is improper for the Senate to enter into such a possible controversy with the President in this case or in any other. The Senate ought to be permitted to request the transmission of the papers in the case; and if they do not justify the President in his action, it is a matter for the Senate to judge; but certainly, in establishing a precedent, we should not use indefinite language of this kind. We should call specifically for the facts in the case upon which the department acted.

Mr. OLIVER. Do I understand that the Senator offered the suggestion as an amendment?

Mr. HITCHCOCK. I offer it as an amendment.

Mr. OLIVER. I have no objection to that, Mr. President.

Mr. KERN. Mr. President, before the Senator from Pennsylvania takes his seat I should like to ask him a question. He spoke about Members on this side of the Chamber taking the responsibility of "suppressing this thing." To what thing does the Senator refer in connection with any suppression?

Mr. OLIVER. I did not catch what the Senator said.

Mr. KERN. I said that the Senator a while ago spoke about the responsibility the Members on this side would have to assume in "suppressing this thing," as he expressed it. Now, I am asking as to what thing he refers that was about to be suppressed?

Mr. OLIVER. I will leave it to the Senator to draw his own conclusion from what I said.

Mr. KERN. I speak only for myself when I say that I hope this resolution will be defeated. Neither do I desire to influence any Member on this side of the Chamber by anything I shall say. It is conceded here that the President in the removal of this official has proceeded entirely within his constitutional right. It is now proposed to inquire into—to probe—the mental processes of the President of the United States through which he reached the conclusion that this man ought to be removed. I think we are going entirely outside of our duties when we enter that field. I think the precedent to be set is a bad one. I remember that when Mr. Cleveland went out of office in 1897 and Mr. McKinley came in Democratic officeholders all over this country went down as ripened grain before the sickle. I remember that such were the wholesale removals that if the Senate had undertaken to inquire of Mr. McKinley in each instance as to his motive in the removal of Democratic officers the Senate would have had little time for anything else during the first month of his administration.

Mr. OLIVER. Mr. President, will the Senator yield to me for a moment?

Mr. KERN. Yes.

Mr. OLIVER. If the Senator will allow me, I will state that when Mr. McKinley assumed the Presidency in 1897 Mr. John R. Reed, a very eminent Democrat of the city of Philadelphia, was the incumbent of this very office, collector of the port of Philadelphia, with two years yet to serve; and he served his term out before a Republican was appointed to the place.

Mr. SMITH of Georgia. I should like to ask the Senator if Mr. Reed did not support Mr. McKinley for the Presidency?

Mr. OLIVER. I do not think he did, but I do not know anything about that. If you are going to draw the line there, however, you will have to go high up among Democratic offi-

cials to-day. I will say that to the Senator. There are a great many men high in Democratic favor to-day who did the same thing.

Mr. SMITH of Georgia. Still, Mr. President, that was a good reason why President McKinley should not have removed him. If he supported President McKinley for President, the mere fact that he had been appointed by President Cleveland was no reason why President McKinley should not have shown the appreciation of his support which he properly should have felt.

Mr. OLIVER. I will ask the Senator if he knows whether or not Mr. Reed supported Mr. McKinley?

Mr. SMITH of Georgia. Not at all. If I had, I should not have asked the Senator from Pennsylvania the question. I asked him because I did not know.

Mr. OLIVER. I do know, Mr. President, that there was strong influence brought to bear upon President McKinley to make an immediate change there, and he refused to do it, and he continued Mr. Reed in office. I do not know whether or not Mr. Reed supported Mr. Bryan, but I do know that he continued as a Democrat, and he never surrendered his Democracy. Quite a number of men did, and came back.

Mr. KERN. Mr. President——

Mr. CLARKE of Arkansas. Mr. President——

Mr. KERN. I have not yielded the floor yet, Mr. President. I was not referring to any individual instances. I had in mind officeholders in my own State who were turned out by wholesale, even though in many instances they were under the civil service. Some 20 or 25 at one time went out; and a man who was afterwards President of the United States, then a member of the Civil Service Commission, came to Indiana and refused those men a hearing, and confirmed the action of the political end of the administration in turning them out without any hearing. The Democrats "took their medicine," to use a somewhat vulgar expression, in those days. We saw there was little use in making protests, and so we yielded; and I believe, as a rule, President McKinley's appointments were confirmed without objection in this body.

If you establish this precedent now, and the minority on the other side of this Chamber undertakes to inquire into the motives of the President for the removal of Republican officeholders, there may be time for the transaction of some other business; but while I have no authority to speak for the administration, speaking for myself, if I had my way there would be so many removals in accordance with the will of the people, as registered in November last, that it would take all of the time of the Members on the other side to make inquiry as to the motives of the President in making the removals.

Mr. OLIVER. Mr. President, I am glad the Senator from Indiana has spoken, because if this resolution is voted down it will simply be a declaration to the country that no attention is to be paid to the records of men in office, but that there are to be wholesale removals simply for the purpose of substituting a man of one party for a man of another. It is all right for the Democratic Party to take that position, but we want them to appear before the country as taking that precise position, and flying in the face of a public opinion which is to the effect that faithful officers should be retained in position at least until the expiration of their terms.

That is all I have to say.

Mr. KERN. Mr. President, I have understood it to be conceded on that side that the President was proceeding within his constitutional rights; that he was exercising a power or right which the Constitution of the country devolved upon him. I think there is no reason for complaint. Besides, I believe it is generally conceded throughout the country by fair-minded Republicans that as a result of the last election the President who received such an overwhelming plurality should have men about him, conducting the administrative affairs of the Government, who are in full sympathy with him and his administration.

Mr. CLARKE of Arkansas. Mr. President, I am not prepared to commit myself to the proposition that any action that the President takes in connection with the removal and appointment of public officials is beyond inquiry by the Senate; but I see no reason for the passage of this particular resolution, unless it is intended to question the veracity of the Secretary of the Treasury when he wrote to this gentleman who was removed that he removed him for political reasons.

I think that gentleman is in possession of a communication, or can readily obtain a copy of a communication, written by the Secretary of the Treasury, in which he says there were no charges pending against the collector which went to his integrity, but that he was removed for the sole reason that it was the desire that that great branch of the public service should be in the hands of those who were in sympathy with the administration.

That communication has been read publicly, and it is known to exist; so what broader statement of the fact do you want or could you obtain, no matter how full your information might be? If that presents any issue upon which you desire to be heard, you have an authentic statement of it now from the only source that can give it. Therefore this resolution is all a work of supererogation. It accomplishes nothing.

I presume the Secretary of the Treasury would reply in response to the resolution, if communicated to him by the President, just as he replied when inquiry was made of him by the collector or his friends; so I do not see why the resolution should be passed. If you desire to ventilate that action with a view of acquainting the American people with the fact that it has been taken, you have the most authentic evidence of it now, and you have the amplest opportunity to make such comments upon it as seem to you to be proper. You do not need information from authentic sources to confirm a rumor. The Secretary of the Treasury has made that announcement over his own signature when a specific inquiry covering the point was submitted to him.

Therefore it seems to me that the resolution is utterly useless and simply encumbers the RECORD. For that reason I think it ought not to be adopted, and it ought not to be referred to a committee, but it ought to be disposed of here—not because anybody fears the result of the inquiry, but because the utmost extent to which it can go is now closed and no new information can come from prosecuting an inquiry under it.

Of course, the Secretary of the Treasury spoke by authority when he made that answer in reply to the inquiry submitted to him as to the cause of the removal of Mr. Hill. That is all you could learn as the result of the passage of this resolution. If you desire to discuss it from that standpoint, you can find the opportunity in some of the proceedings that take place here.

I should not be swift to vote against the resolution if the matter were in doubt and you wanted to bring it out in authentic form so as to make a definite issue upon it. As it is already before the Senate, however, I do not see the use of passing the resolution at all.

Mr. TOWNSEND. Mr. President, I assume that if it were simply a question as to whether or not the present incumbent of this office had been wronged there might be some doubt as to whether we ought to ask for this information. But enough has been said on the floor of the Senate to-day and the last time this matter was up to indicate that there are certain things chargeable to this office—at least, that impression has been given currency throughout the country, and especially here in Congress—that should put the Members of the Senate on guard.

I submit, Mr. President, that Senators who are called upon to confirm a nomination—to say nothing about retaining a man in office, but simply about putting a man into office—have a right to the fullest information; and it seems to me the Senate can do no less than to pass a resolution requesting the President to submit to us for our consideration the facts in this case. I think it is but fair to the incumbent and I think it is absolutely just to us that we have this information.

There are Senators here who argue that we have no right to ask for this information. I know the senior Senator from Arkansas does not agree with that proposition. We have a right to ask for anything that we need in the discharge of any duty that comes before us. It will shortly be our duty here to confirm a man appointed in place of the collector at Philadelphia. I want to know, as one, whether or not the charges intimated by the senior Senator from Virginia a moment ago and by other Senators are correct—that, notwithstanding the statement of the Secretary of the Treasury, there are matters connected with that office which we ought to know. That will have something to do with my vote in confirming the man whose name the President has presented here.

I conceive that no harm can be done, no bad precedent can be established, by asking and receiving information which we actually need. If, as the Senator from Nebraska states, there are some things in the resolution which perhaps ought not to be there, I have no objection to its being amended. But to deny us the right to receive information which it is necessary for us to have in performing a public duty seems to me to be entirely wrong. Therefore I think this resolution ought to pass.

Mr. SMITH of Georgia. Mr. President, will the Senator from Michigan yield for a question?

Mr. TOWNSEND. I will.

Mr. SMITH of Georgia. Would not the proper way and the easy way to get that information be for the committee to

which this nomination is referred to ask for the papers? Is not that the usual way with reference to nominations? Is not that constantly done—to obtain all papers in the possession of the President or the head of the department with reference to the person to be appointed and the person removed?

Mr. TOWNSEND. If this issue had not arisen, and if it had come up in the committee of itself, I presume that would have been the proper way to proceed. But the matter has been given publicity here, and Senators are contending that we have not the right to ask for this information. I do not think the Senate can afford to let the matter rest there. It seems to me we ought to proceed now with the resolution to get the information that we have asked for.

Mr. BACON. Mr. President, I think the Senator from Michigan is mistaken in his statement that any Senator here disputes the right of the Senate to ask for these papers or any other papers which may be in the possession of the departments. There is a difference, however, between the existence of the right and the exercise of the right. The existence of the right is somthing which I will go as far as the Senator from Michigan or any other Senator in defending and maintaining. I have had something to say about that in the Senate on more occasions than one. I believe the right exists in the Senate to call for any paper in the departments, and not only to call for it but to command it. But that is a very different thing, Mr. President, from the question whether it is always expedient to call for it. The right may exist, but it may be inexpedient to exercise the right.

Mr. President, this matter does not relate to the question of confirmation. If it did, it could not be discussed in open Senate here without the consent of the Senate or the order of the Senate. If, as is conceded by all, I understand—it has been decided by the Supreme Court—the President has the arbitrary right of removal, for a reason, good or bad, or for no reason, then the question as to whether he has properly exercised that right in no way relates to the question as to whether or not the person appointed to fill the office should be confirmed. The question to be decided when an officer is to be confirmed is whether or not he is worthy and well qualified for the office; whether he is a proper man for it; whether he is one to be approved by the Senate. The question as to how the office became vacant has no relation to the question as to whether or not he is a fit and proper man for that office.

When the Senator from Pennsylvania introduced his resolution, there was nothing said about the purpose——

Mr. OLIVER. Mr. President, will the Senator from Georgia allow me to ask him a question?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. OLIVER. I will ask the Senator from Georgia if it is not true that last winter for nearly three months the Senators on that side of the Chamber held up the confirmation of nearly all of the appointees, because, as was alleged by them, of the manner of creating the vacancies, and the fact that in certain cases, as they alleged, vacancies were created for a political purpose, and on that account the appointees should not be confirmed?

Mr. BACON. I think the Senator is approximately correct in his statement; not exactly so, but sufficiently so for the purposes of his argument. The Senators on the other side are at perfect liberty to vote against the confirmation of anyone if in their judgment a vacancy has been improperly created. But the Senator can not mean to imply that this side of the Chamber, when it took that position, called upon the President of the United States for his reasons why such and such a thing happened; but that is practically what the Senator is proposing to do here.

If the Senator has information which satisfies him that he ought to vote against the confirmation of an officer, he is perfectly free, in the exercise of his constitutional rights, to vote that way, just as Senators on this side of the Chamber in the last session were free to exercise their right to oppose confirmations. But I repeat that the question of confirmation is not a question that can be decided by this inquiry, because it is an inquiry into something which does not have any limitations as to the right of the President.

If the law were that the President should not remove a man except for just cause, then it would be another question; but that is not the law. The law, as declared by the Supreme Court of the United States, is that the President can remove arbitrarily and without cause in the exercise of his will. If he does so in an improper manner, there is a certain method pointed out by the law by which he can be called into question for it; but there is no other method by which it can be done.

As I was about to say when the Senator interrupted me, when the Senator from Pennsylvania offered this resolution, while some of us possibly had the purpose of it in mind, it was not disclosed by him. Therefore in the exercise of a right which I think is equally unlimited—to call for papers—I was not disposed to be critical about it, and, it being left in the discretion of the President, if nothing had been said it would not have amounted to a precedent, and I was willing to let it go. But when the Senator avows in his place that the resolution has for its purpose an inquiry with regard to the creation of a vacancy to fill which an officer has been nominated for confirmation, then for us to pass this resolution is to set a precedent, and one which will return to plague us so long as the present majority shall constitute the majority, and hereafter, when in the fortunes of political warfare those who are now the minority may become the majority.

In the thousands and tens of thousands of nominations which are sent to the Senate, if this is to be established as a precedent, if this is to be recognized as a right, if this is to be recognized as an expedient thing to be done, I will not say simply as a right, it is one which can be exercised in every nomination which may hereafter be sent to the Senate.

I repeat, Mr. President, for that reason I quite agree with Senators who have gone further than I went when I first addressed the Senate upon this subject. I quite agree with them that with the purpose disclosed it is not a proper thing, it is not an expedient thing to do, while I do not dispute the fact that we have a right to do it.

Mr. CLAPP. Mr. President, if it is proper in legislative session to make the inquiry, I should like to inquire whether the appointment involved in this case has been reported by the committee to which it was referred?

Mr. OLIVER. It has not, Mr. President.

Mr. CLAPP. Then it rather strikes me for one that the committee could get these papers in the first instance, or, failing to do so, that the Senate could do it.

Mr. SMITH of Georgia. There is not, Mr. President, I think, a bit of trouble about the Senator having done what he wants done, or rather what he announces he wants done, by getting this information from the committee. That is a simple process that is always taken; and if we deviate from it now, on every occasion when there is a nomination and any information is wanted from a department we will be told that a resolution should be passed calling on the President to furnish it.

Mr. OLIVER. Mr. President, it seems to me there is a good deal of difficulty. I offered the resolution in executive session for obtaining this information and failed to obtain action. I stated then that I would offer it in open session, which I have now done. I am going to fail to obtain action on this resolution. I am not at all confident that if the resolution should be referred to the Committee on Commerce, notwithstanding the fact that I am a member of the committee, the information would be obtainable through the medium of that committee.

Before I sit down, Mr. President, I should like to have read and inserted as a part of my remarks the letter of the Secretary of the Treasury in response to Mr. Hill, stating his reason for calling for his resignation.

The VICE PRESIDENT. That may be done. The Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, *April 9, 1913.*

SIR: Replying to your letter of the 7th instant, there are no pending charges against you. Your resignation has been requested because, in the judgment of the department, it is essential that the officers of the port shall consist of persons who are in sympathy with the purposes and policies of the administration.

Respectfully,

(Signed) W. G. McADOO, *Secretary.*

Hon. C. W. HILL,
Collector of Customs, Philadelphia, Pa.

Mr. REED. Mr. President, what is the purpose of this resolution? It seems to me to be a curious performance, any Senator holding in his hand the written and avowed reason, which he denounces by innuendo at least as wicked, possessing this evidence——

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. REED. I do.

Mr. OLIVER. It is not the first time the Senator from Missouri has placed words in my mouth that never issued from it. I want him to be careful about the language he attributes to me.

Mr. REED. Ah, Mr. President, the Senator, occupying a delicate position, is in a very sensitive mood. I have put no words in the Senator's mouth. I have said that at least by innuendo

he has charged there is an improper motive. I reiterate it. He has in the last few moments argued that removal for political reasons is such an act as demands and challenges the attention of the country. He has called on the Senate to pass this resolution in order that that evidence of iniquity, for that must have been his meaning, or disregard of his public duty, for that must have been his meaning, should be laid bare and naked before the country, in order that the people might gaze upon it, appalled and horrified.

Now, it transpires that the evidence of that very reason which the Senator states he wants to have exposed was in his hands. Therefore he has now all he could possibly obtain if he had all the papers in the possession of the President, unless it be the fact that there was some cause other than the political cause, which has been referred to here, for the removal of this man. If there be such a cause, if there has been dereliction in duty, if there has been failure to properly conserve the interests of the country by the officer in charge of this position, then that fact would throw no light whatever upon the confirmation of the successor to this office. It would not affect the moral character of the man who has been appointed. It would not affect the question of his capacity. It would not affect the right of the President to appoint him or of the Senate to confirm him.

Therefore there could be no reason for calling for that information, and if it did come it would only come to offer a stronger reason than the one that has already been given in the letter of the Secretary of the Treasury. Manifestly, therefore, this resolution has for its object only the purpose of exposing to the country the awful crime of having removed a Republican from office just on the eve of the fact that the people of the country did their best to remove the entire party from office.

Mr. President, some comment has been made here in regard to the right of the President to remove. We are not even confronted with that question. The President has not removed this officer. He removed himself by resignation. It matters not that that resignation was requested. If he thought he was entitled to his office, if he considered that the office belonged to him as of right, he ought to have retained it and to have submitted himself to an actual removal. On the contrary, this gentleman saw fit to voluntarily resign his office, for it was voluntary when it was not compelled.

In the next place, Mr. President, I want to offer this observation: Some Senators upon the other side, the Senator from Michigan [Mr. TOWNSEND] in particular, said that if there had been anything wrong with the conduct of the office at Philadelphia that fact ought to be known to the Senate. I grant that. But is this the way to secure that information? Is this a proposition to investigate that office? Is this a resolution calling for the facts in regard to either malfeasance or misfeasance in that office or negligence in that office? It is nothing of that kind. If the Senator from Michigan desires to have light upon that, if the Senate desires light upon that, then the proper method to pursue is to offer a resolution to investigate that office. But I do not hear the Senators upon the other side asking for that sort of an investigation. The whole kernel and meat of this matter is found in the attitude of the Senator from Pennsylvania. He brought this question before the executive session, where it properly belongs, and, having failed there to carry his point, he took a change of venue to the open session, in order that there might be public discussion; and having now been gratified, I trust the resolution will be defeated.

The VICE PRESIDENT. The question is upon the amendment proposed by the Senator from Nebraska [Mr. HITCHCOCK]. The Secretary will read the amendment.

The SECRETARY. On page 1, line 3, after the word "papers," strike out the words "and other information," so as to read: "to transmit to the Senate all papers in his possession," and so forth.

The amendment was rejected.

The VICE PRESIDENT. The question recurs on agreeing to the resolution. [Putting the question.] The noes appear to have it.

Mr. OLIVER. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I will withhold my vote.

Mr. KERN (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BRADLEY] and therefore withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH]. I will transfer that pair to the senior Senator from New Mexico [Mr. CATRON] and vote "yea."

Mr. OLIVER (when his name was called). Has the senior Senator from Oregon [Mr. CHAMBERLAIN] voted?

The VICE PRESIDENT. He has not voted.

Mr. OLIVER. I have a pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to the junior Senator from Idaho [Mr. BRADY] and vote "yea."

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH of Arizona] is necessarily absent from the Senate on important public business. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. WILLIAMS (when his name was called). I have a standing pair with the Senator from Pennsylvania [Mr. PENROSE], who seems not to have voted. I transfer that pair to the Senator from New York [Mr. O'GORMAN] and vote "nay."

The roll call was concluded.

Mr. ASHURST. I understand that I am recorded as having voted in the affirmative, and if it be so recorded I do not particularly appreciate the company in which my vote appears to place me.

Mr. SMOOT. I should like to ask the Senator if it is on account of the company or if he has changed his mind.

Mr. ASHURST. I should be recorded in the negative.

The VICE PRESIDENT. The Senator from Arizona is recorded in the negative.

Mr. JACKSON. I wish to inquire if the senior Senator from West Virginia [Mr. CHILTON] has voted.

The VICE PRESIDENT. He has not voted.

Mr. JACKSON. I have a general pair with that Senator, and, as he is not present, I will not vote. I would vote "yea" if the Senator from West Virginia were present.

Mr. GALLINGER. I have been requested to announce that the junior Senator from Maine [Mr. BURLEIGH] is paired with the senior Senator from Indiana [Mr. SHIVELY], and that the junior Senator from West Virginia [Mr. GOFF] is paired with the senior Senator from Alabama [Mr. BANKHEAD]. The pair of the Senator from New Mexico [Mr. FALL] with the Senator from Arizona [Mr. SMITH] has been announced. The Senator from New Mexico is absent on important public business.

The result was announced—yeas 31, nays 42, as follows:

YEAS—31.

Brandegee	Gallinger	Norris	Stephenson
Bristow	Gronna	Oliver	Sterling
Burton	Jones	Page	Sutherland
Clark, Wyo.	Lippitt	Perkins	Townsend
Colt	Lodge	Root	Warren
Crawford	McCumber	Sherman	Weeks
Cummins	McLean	Smith, Mich.	Works
Dillingham	Nelson	Smoot	

NAYS—42.

Ashurst	Johnson, Me.	Pomerene	Stone
Bacon	Johnston, Ala.	Ransdell	Swanson
Bryan	Lane	Reed	Thomas
Clapp	Lea	Robinson	Thompson
Clarke, Ark.	Lewis	Saulsbury	Thornton
Fletcher	Martin, Va.	Shafroth	Tillman
Gore	Martine, N. J.	Sheppard	Vardaman
Hitchcock	Myers	Shields	Walsh
Hollis	Newlands	Simmons	Williams
Hughes	Overman	Smith, Ga.	
James	Owen	Smith, S. C.	

NOT VOTING—23.

Bankhead	Chamberlain	Jackson	Pittman
Borah	Chilton	Kenyon	Poindexter
Bradley	Culberson	Kern	Shively
Brady	du Pont	La Follette	Smith, Ariz.
Burleigh	Fall	O'Gorman	Smith, Md.
Catron	Goff	Penrose	

So the resolution was rejected.

ARMOR PLATE FOR VESSELS OF THE NAVY.

Mr. ASHURST. Mr. President, I submit a resolution which I ask to have read and for which I ask immediate consideration.

The Secretary read the resolution (S. Res. 78), as follows:

Whereas bids were opened by the Secretary of the Navy in February, 1913, for furnishing armor plate for the dreadnought Pennsylvania; and

Whereas the representatives of three firms manufacturing armor plate in the State of Pennsylvania, while pretending to bid as competitors, after a conference submitted bids which did not vary more than $1 per ton: and

Whereas the then Secretary of the Navy, notwithstanding an intimation made on the floor of the Senate of the United States that it was alleged there existed collusion among different manufacturers to advance the price of armor plate and divide the profits of the contract, awarded the contract on March 3, 1913, by dividing, for all practical purposes, the award of 8,000 tons of armor plate among the three companies; and

Whereas it is alleged that this action of the said firms reveals that they comprise an armor-plate trust, and that the price named in the contract awarded by the Secretary of the Navy is in the neighborhood of about $25 per ton higher than the previous awards by the Department of the Navy for armor plate: Therefore be it

Resolved, That the Secretary of the Navy be, and he is hereby, directed to forward to the Senate, at as early a date as practicable, a

report on the amount of armor plate ordered by the Department of the Navy during the past 25 years, the prices paid in each award, and the names of the firms or corporations to whom the contracts were awarded.

The VICE PRESIDENT. The Senator from Arizona asks unanimous consent for the immediate consideration of the resolution.

Mr. GALLINGER. Let it go over, Mr. President. I object.

Mr. ASHURST. Mr. President, I merely wish to state that this is identical with the resolution introduced by me on the 17th of March last, which was referred to one of the committees of the Senate, but which has not yet been reported because of the great amount of work pressing upon various members of the committee. It does seem to me that this matter ought to be given attention. I hope the distinguished Senator from New Hampshire [Mr. GALLINGER] will withdraw his objection to the present consideration of the resolution. I am advised that the Secretary of the Navy is willing, as it is his duty, to send this information at the earliest possible date. Indeed, it is my understanding that the Secretary is now compiling the data demanded by this resolution. I wish the objection would be withdrawn.

Mr. GALLINGER. Mr. President, I do not feel like withdrawing my objection. There is a pretty serious allegation contained in the resolution against the retiring Secretary of the Navy which ought to be inquired into a little before we pass the resolution, and I now give notice that when the resolution properly comes before the Senate I shall move to refer it to the Committee on Naval Affairs.

The VICE PRESIDENT. Under the objection the resolution goes over.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. MARTIN of Virginia. Mr. President, in pursuance of the unanimous-consent agreement of the Senate, I ask that the Senate proceed to the consideration of the sundry civil appropriation bill.

Mr. ASHURST. I move that the Senate proceed to the consideration of the resolution I offered, the objection to the contrary notwithstanding.

Mr. GALLINGER. Mr. President, I make the point of order that that motion has to go over under the rules of the Senate.

The VICE PRESIDENT. The Chair rules that it must go over. The Senator from Virginia [Mr. MARTIN] asks that, in pursuance of the unanimous-consent agreement of the Senate, the Senate now resume the consideration of the sundry civil appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, the pending question being on the amendment proposed by Mr. GALLINGER on page 129, line 13, to strike out all after the numerals "$300,000" down to and including the word "products," in line 24, as follows:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. OWEN. Mr. President, I wish to ask the Senate to consider at this time the resolution reported with amendments by the Committee to Audit and Control the Contingent Expenses of the Senate, authorizing the Committee on Banking and Currency to have hearings, if it be agreeable to the chairman of the Committee on Appropriations.

Mr. MARTIN of Virginia. I have no objection to having the sundry civil appropriation bill temporarily laid aside for the consideration of the resolution, if it leads to no debate.

Mr. SMOOT. Mr. President, we are proceeding under a unanimous-consent agreement, and, under the rule, that can not be done. So I object to the consideration of the resolution.

Mr. OWEN. I make no further request.

Mr. GRONNA. Mr. President, I offer a substitute for the amendment offered by the Senator from New Hampshire [Mr. GALLINGER], which I send to the desk, and ask to have read.

The VICE PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 129, line 13, in lieu of the amendment proposed by Mr. GALLINGER, it is proposed to strike out all after the numerals "$300,000," and to insert:

Section 1 of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraint and monopolies," is hereby amended by adding the following proviso: "*Provided,* That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with the view of lessening the number of hours of labor or of increasing their wages; nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture made with a view of enhancing the price of agricultural or horticultural products."

Mr. GALLINGER. Mr. President, I make the point of order against the amendment that it proposes general legislation on an appropriation bill.

Mr. GRONNA. Mr. President, I trust the Senator will withhold his point of order, as I wish to make some observations on the proposed amendment.

Mr. GALLINGER. I will withhold it.

Mr. GRONNA. Mr. President, the amendment to the Sherman Antitrust Act which I have offered is identical with the one which, as was stated on the floor of the Senate yesterday, was offered by Senator Sherman when the bill which bears his name was under consideration, and which was accepted by the Senate.

I might say that the purpose of this amendment is the same as of the proviso for which it is offered as a substitute. I believe that it is preferable to action of the committee, however, for several reasons. If a law in its operation proves more far-reaching than it is believed it should be, the proper way, it appears to me, is to change the law, and not to refuse to enforce it. If the Sherman Antitrust Act has been construed so as to apply to labor unions and farmers' associations and it is believed that such organizations should be exempted from its operation, it appears to me that the proper thing to do is to amend the law so as to exempt such organizations from its operation, and not in effect to encourage violation of the law by specifically providing that funds appropriated for the enforcement of the law shall not be used in case certain classes violate the law. Any Congress has the power to repeal or amend laws enacted by former Congresses, and if Congress believes that such laws should be repealed or amended it is its duty to take such action; but if Congress does not see fit to use its power to repeal or amend such laws, I do not believe that it is justified in encouraging the violation of such laws. It may be argued that it was not the intention at the time the law was enacted to include labor unions and farmers' organizations within its scope, and that in providing that this appropriation shall not be used to prosecute such organizations we are merely insisting on the original intent of the act. It seems to be well settled, however, that the law has been construed by the courts as applying to such organizations, and if the purpose is to exempt them, the logical and proper way appears to me to be to write the exemption into the law. Let us make the law read the way we think it ought to read, prohibit the acts which we think it ought to prohibit, and then let us enforce it without fear or favor, impartially and efficiently. I believe the Sherman Antitrust Act has been one of the best laws ever placed on the statute books, and I also believe it would have proved of far greater benefit than it has if it had been rigorously enforced from the outset. I believe that many of the problems which are confronting us to-day arise from the fact that many trusts and combinations the creation of which this law was designed to prevent were left almost unmolested for a decade after the law had been enacted, with no systematic and efficient attempt to enforce its provisions.

But, returning to the proviso in this bill, I must say that I am not clear as to what effect it will have if retained in the bill. Even without this provision, there is nothing in this bill making it necessary for the Department of Justice to use money appropriated in this paragraph to prosecute the organizations which the proviso, at least apparently, aims to exempt; and, on the other hand, if the department or the President decides that certain organizations of this kind violate the law and should be prosecuted, I believe there are funds available with which such a prosecution could be carried on, even if none of the money appropriated in this paragraph can be used for such a purpose. If the Department of Justice decides that such combinations are not in violation of law, this provision is unnecessary; if, on the other hand, the Department of Justice decides that such combinations are in violation of the law and ought to be prosecuted for its violation, this provision will not save them from such prosecution. It is to be further noted that this apparent exemption from prosecution would extend only until June 30, 1914, the end of next fiscal year. Is there any reason, if these organizations ought to be exempt from prosecution under the Sherman Act, why such exemption should end with the next fiscal year? These organizations either are or are not operating in violation of the Sherman Act, and the provisions of the act either ought to apply to them or ought not to apply to them. If they are not violating the act in its present form, the provision in this bill is unnecessary; if these organizations are in violation of the act, this provision will not exempt them from prosecution. If the Sherman Act prohibits such organizations and we are satisfied that they should be exempted from

its operation, the reasonable and effective way to do it is to amend the act and not to pass this bill, containing a pretended exemption, which, at most, can last only one year.

I do not favor the practice of placing general legislation in appropriation bills, as it often results in the enactment of hasty legislation; but, as Senators know, it is often done, and in this particular instance I believe the amendment which I propose is so simple that no long consideration is necessary in order to understand its effect.

This amendment will definitely exempt these organizations from the operation of the law. The provision contained in the bill, while it apparently exempts them for one year, in reality gives no such exemption.

Mr. President, I trust the Senator from New Hampshire will withdraw his point of order and let us have a vote upon the amendment I have proposed to the amendment submitted by him.

Mr. CLAPP. Mr. President, I inquire if the amendment has been read?

The VICE PRESIDENT. It has been.

Mr. GRONNA. It has been read; but I will ask that it be again read.

Mr. CLAPP. I ask that it be again read. It escaped my attention.

The VICE PRESIDENT. The Secretary will again read the amendment.

The Secretary again read the amendment of Mr. GRONNA to the amendment of Mr. GALLINGER.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Chair understand that the Senator from New Hampshire raises a point of order against the amendment?

Mr. GALLINGER. The Senator from New Hampshire does make the point of order against the amendment.

The VICE PRESIDENT. Does the Senator from California rise to the point of order?

Mr. WORKS. I do not wish to address myself to the point of order, if the Chair desires to rule upon it.

The VICE PRESIDENT. The Chair desires to rule upon the point of order, if the Senator from California will suspend for a moment. By the third clause of Rule XVI it is provided that—

> No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate to be decided without debate.

As this is not a question of the relevancy of the amendment to the subject matter of the bill, but as it raises the question as to whether or not it is general legislation, it is the duty of the Chair to rule without submitting the question to the Senate, and the Chair accordingly rules that the amendment is not in order.

Mr. WALSH and Mr. WORKS addressed the Chair.

The VICE PRESIDENT. If the Senator will suspend for a moment, if there is a desire to appeal from that ruling, the Chair will be glad to have it settled. The Chair tried to construe the rule correctly.

Mr. MARTIN of Virginia. Mr. President, I am sure no one desires to appeal. It has been ruled that way universally, certainly for the last 20 years.

Mr. GRONNA. Mr. President, just one word. As the one who presented the amendment certainly I do not wish to appeal from the decision of the Chair. I know the decision is correct according to our rules, but I had hoped that the amendment would be accepted. We have heard much and there was much said on the floor of the Senate yesterday in favor of labor organizations and farmers' organizations, and I know that the particular amendment which I have offered would give permanent relief. On the other hand, the provision contained in the bill is only a makeshift.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New Hampshire [Mr. GALLINGER].

Mr. WALSH. Mr. President——

The VICE PRESIDENT. The Chair recognizes the Senator from Montana.

Mr. WALSH. Mr. President, the discussion of this measure has, to my mind, gone far beyond the limits which the amendment proposed by the Senator from New Hampshire legitimately fixes. The clause to which it is addressed offers no warrant whatever for the suggestion of connivance with crime on the part of the Congress of the United States; neither does it properly open up for inquiry at all the question of the wisdom of Congress in making the Sherman Act so comprehensive in its scope as to include labor organizations and farmers' associations. I think, Mr. President, he must go far afield indeed who finds in it any room for discussion of the views of Mr. Haywood or Mr. Ettor in relation to any of the controversies between labor and capital.

The provision of the bill that is so obnoxious to some of the distinguished Senators who have been heard in reference to it has been denounced as class legislation. Why, Mr. President, that particular part of the measure to which is attached this proviso which the amendment seeks to excise is class legislation. It singles out a particular class of crimes against the National Government and makes a special appropriation for the prosecution of them—$300,000 for the enforcement of the antitrust laws. It contemplates as well other appropriate proceedings for the suppression of the evils against which those laws were aimed, but the enforcement of the criminal laws against trusts comes within the purpose of the appropriation, if it is not its main object.

From out the long category of crimes against the United States these particular crimes are made the subject of a special provision. The violation of one particular statute is singled out and a liberal provision is made by this act for its enforcement. Are we to infer, accordingly, that the people of the United States are unconcerned about other crimes, or that they are willing to connive at their perpetration—murder, arson, and piracy? Why, no. In addition to the general provisions of the act for the pay of judges, attorneys, marshals, and other court officers, found under the head of "Judicial," page 132, et seq., a specific appropriation is made at page 128, lines 1 to 15, inclusive, of $475,000 for the detection and punishment of crime—of crime generally; of all crime. Then follows the appropriation in question of $300,000 for the enforcement of the antitrust laws.

The act makes no specific provision for prosecutions for violation of the postal laws or the pure-food law or any other criminal statutes, except perhaps those relating to the customs and the public lands. The act contemplates that the Department of Justice shall not invade the general appropriation, but that it shall have a specific and ample fund for the enforcement of this particular act. This is class legislation beyond controversy, but it is not open to criticism for that reason, and it commands universal support. Everyone approves it. And why? Because it is generally recognized—

First. That crimes and offenses against these laws have not been prosecuted in the past with the vigor that their gravity requires.

Second. That the perpetrators of them often, perhaps usually, are men of vast wealth, against whom the Government would contend but feebly if its officers were obliged to rely solely on the provision made for the enforcement of the criminal statutes generally.

Third. Because of the unusual expense that ordinarily attends prosecutions of this character.

Fourth. And more than all else, because the public suffers immediately and grievously by the acts condemned by these laws that have been habitually and boldly violated.

For these reasons, and perhaps others, this particular class of crimes is made the subject of this legislation. But within that class there is a class to which these reasons do not apply, or they apply so feebly as not to call for any special provision—namely, organizations of farmers and laborers not engaged in the doing of any act in itself unlawful but yet within the inhibition of the Sherman law as it has been construed by the courts. There is in this act no condonation of any such crime, if there be such a crime. In the Debs case the circuit court of appeals said:

> In this instance it is perhaps apparent that the original measure, as proposed in the Senate, "was directed wholly against trusts, and not at organizations of labor in any form." But it also appears that before the bill left the Senate its title had been changed and material additions made to the text; and it is worthy of note that a proviso to the effect that the act should not be construed to apply "to any arrangements, agreements, or combinations made between laborers with a view of lessening hours of labor or of increasing their wages, nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture made with the view of enhancing the price of agricultural or horticultural products," was not adopted. Such an amendment, doubtless, was not necessary in order to exclude agreements and arrangements of the kind mentioned.

But if by entering into an agreement or combination having in view the increasing of wages, the shortening of hours, or the bettering of conditions, and in furthering such agreement or combination, but doing no act unlawful in itself, laborers offend against the Sherman Act, or if farmers do so through their ordinary associations, this proviso expresses the idea that there is no occasion for any special appropriation to punish such infractions of the law. They, it is believed, may be safely dealt with by it in its ordinary course. And why should they not be? Why should there be a special appropriation for the prosecution

of such offenses? Are they so numerous as to require some unusual and extraordinary measure for their suppression by the action of the Government? Are the offenders so formidable as to require the employment of expensive counsel outside the regular aids to the Attorney General? Is there any great crying public demand for relief from the evils flowing from such combinations and associations? No one will assert that there is or that there is any occasion for such. It is to arm the officers of the Government in their titanic struggle with the gigantic industrial and financial monopolies of our time that this great sum of money is appropriated. The offenders of the other class may well be left to be dealt with in the ordinary way and out of the general appropriation. That is what this act means, and all it means.

In the opinion in which it was first held that the Sherman Act extended to combinations of laborers seeking to improve their condition Judge Phillips said:

> I think the congressional debates show that the statute had its origin in the evils of massed capital.

That was the original cause giving rise to the law.

Judge Morrow, in United States *v.* Cassidy (67 Fed., 698–705), said:

> The primary object of the statute was undoubtedly to prevent the destruction of legitimate and healthy competition in interstate commerce by individuals, corporations, and trusts grasping, engrossing, and monopolizing markets for commodities.

He, too, held, however, that it was eventually framed so as to embrace combinations of laborers.

But why may we not properly make special provision to attain the primary object of the law, to arrest the grasping, engrossing, and monopolizing of markets, leaving the evil, if evil it be, not specially aimed at to be corrected in the ordinary way in which the ordinary evils that afflict society are restrained and corrected by the courts?

While the act brought into being by a wise and far-seeing statesmanship was being notoriously violated by the organization of the great trusts that have braved the Nation, it was turned from its original purpose to become an instrument in the hands of the very combinations against whose existence it was leveled. Now that a better public spirit prevails, a determination to enforce the law against rich and poor alike, they would like to see the fund provided to destroy them diverted and exhausted in prosecutions directed at another class of offenders easily dealt with by the ordinary provisions of the law.

If there were no evil to correct but that flowing from associations of laborers and farmers, we all know there would be no specific provision in this bill directed at it. It would not stand out as invested with sufficient importance to justify such. On the other hand, the appropriation would be amply warranted if the act did not reach to such organizations.

The public is demanding the swift and relentless enforcement of the law against monopolizing trusts and combinations. It does not want any portion of the great fund provided for that purpose to be diverted for the purpose of prosecuting labor unions and like organizations for pretended offenses against the Sherman law.

It is asked, "What, then, are you giving these people?" meaning organized labor. We are giving them nothing. We are not professing to give them anything, and certainly not a dispensation to violate the antitrust act or any other act. We are simply declaring what is the common conviction of our people, that the exigencies of the times do not require that we make a special appropriation to prosecute them.

This measure ought to command the support of everyone professing a friendly interest in organized labor. If he harbors the belief that the act was never intended to remedy the evils arising from such, he ought to give it his very cheerful acquiescence. If he thinks the Congress deliberately framed the language of the act so as to reach the associations referred to in the provisos attacked by the amendment, he will still find it difficult to imagine why he should vote for a special appropriation to prosecute offenders falling within those classes.

The sole question presented by the amendment is as to whether the opportunity to use this special appropriation against organizations of laborers or farmers should be accorded to the Attorney General, or whether prosecutions against them, should any seem necessary, should be conducted by the aid of the general appropriation. The specific fund is meager enough, and it should be guarded against depletion or diversion to aid in prosecutions that require no special care, and in respect to which no considerable public feeling is aroused.

Mr. HOLLIS. Mr. President, this amendment is offered by my distinguished colleague from New Hampshire. I shall vote against it; and, at the suggestion of one of the older Senators on this side, I shall give my reasons, in order that it may not be understood that New Hampshire and New England are altogether deaf to the interests of the wage earner.

The proposition involves three issues:

First. Is this class legislation?

Second. Does it make any difference in the world whether it is class legislation or not?

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the junior Senator from New Hampshire yield to the senior Senator from New Hampshire?

Mr. HOLLIS. With pleasure.

Mr. GALLINGER. I trust when my charming colleague reads his remarks in the RECORD to-morrow morning he will regret that he has put me in the attitude of being one New England man who is deaf to the interests of the laboring people.

Mr. HOLLIS. I am very sure my distinguished colleague will be able to take care of himself without any regrets on my part, and without any modification of what I have already said. I was elected to come to the Senate, as I believe, because I entertained the particular views that I am about to express. If they do not agree with the views of my colleague I am sorry for him; but I appreciate his perfect right to entertain his own views, and, if I misrepresent him, to set me right.

As I was about to say, the third issue involved here is one of expediency. Is it expedient to favor associations of farmers and wage earners by the passage of this bill as it stands?

I think some attention should be paid to this matter of class legislation, because I suspect there are some Members on this side of the Chamber who may lean rather against the passage of the bill as it stands, for fear that they may be legislating for a class. I have received many telegrams from manufacturers during the past week asking me to vote against this exemption, on the ground that the exemption is class legislation; and they seem to assume that if it is class legislation it ought not to pass.

I have no hesitation in meeting this issue squarely, and in stating without equivocation that this is class legislation; and I propose to show, if I can, that that is no objection whatever.

There is no provision against class legislation in the Constitution. There is no general provision of law against it. There is no general public policy which it will violate. We are constantly discriminating against certain classes and in favor of others. Our laws are full of them. For example, the tariff bill which will presently come before us is a bill which gives favors to certain classes to the detriment of the rest of the people. The income-tax provision in that bill distinguishes in favor of that class which has an income not over $4,000 and against the class which is fortunate enough to have an income of more than $4,000.

The ordinary labor laws do not apply in many cases to farmers and to household servants. The laws which limit the hours of labor apply frequently to women and children only, and to mills and factories only. The man who is fortunate enough to ride in an automobile has to observe certain rules and regulations which do not apply to men who travel in horse-drawn vehicles. Vendors of milk, vendors of spirituous liquors, vendors of gunpowder frequently have to comply with regulations that do not apply to other vendors. So we might go all down the line and find that there is class legislation in abundance, and its constitutionality is never questioned. The very statute of 1908, the Federal employers' liability law, applies only——

The VICE PRESIDENT. Will the Senator from New Hampshire suspend for a moment? The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. Order of Business 10, Senate resolution 37, authorizing the appointment of a committee to make an investigation of conditions in the Paint Creek district, West Virginia.

Mr. KERN. I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Senator from New Hampshire will proceed.

Mr. HOLLIS. As I was about to say, Mr. President, the Federal employers' liability law of 1908 applies only to that class of citizens who are engaged in interstate commerce by railroad. The only constitutional provision applicable to this case is the one that all members of a class shall be treated alike. We find, then, that this is class legislation, and that the mere fact that it is class legislation is no argument against it. But I hope if Members on this side have any doubts about that they will satisfy them before they fail to vote for the passage of this law, as it is proposed, on that account.

Now, then, we come to the question, Is this an expedient law to pass? I wish to thank the distinguished Senator from Iowa

[Mr. CUMMINS] for his very handsome admission yesterday, that it was not intended to have the Sherman antitrust law apply to associations of farmers and laborers, and for his assurance that the labor men were properly justified in understanding that it did not so apply. I was not of voting age when this matter was discussed originally, but I do remember that it came with a great shock to the country when the courts decided that the Sherman antitrust law should be applied to labor unions. None but those ingenious and able trust lawyers, who had been able to save their clients from the bona fide purpose of this act, would have been able to conceive and push forward to fruition any such idea. The action of the courts in that regard falls within that class of court-made amendments that the Senator from Colorado [Mr. THOMAS] denounced so brilliantly a few days since.

My only care is to get at it as quickly as we possibly can under the rules of the Senate. The thing that I am most careful about is promptness. If I am going somewhere in an automobile and the machine will not start I will not wait a long while, but I will get out and walk; and if I get started and the machine will not work I am willing to take a horse and be towed to my destination instead of waiting all day for an expert to come and repair the machine.

I should much prefer that this wrong should be righted by direct amendment. I think that would be better; but I am going to take relief just as soon as the opportunity arises by passing the law as it stands. I say we should give to the law department our policy in this regard. They will understand our purpose to repeal this court-made amendment as soon as we can properly do so under the rules. We shall notify the law department that we are not in favor of enforcing the antitrust law even if it may technically be applied to associations of farmers and laborers. We shall let them know that they are to point their activities at the real objects which were intended when the law was passed.

It seems to me that the point raised by Senators yesterday was more acute than important. It is just that sort of conservatism that is found commonly among lawyers that has brought so many of them into disrepute with the majority of the voters of this country. It was just the opposite quality in the leader of the third party in the last campaign—his desire to go forward to his object—that commended him to so many voters who otherwise would not have supported him.

Now we come to the point that has been criticized, which is embraced in the phrase "not in itself unlawful." Every lawyer in the Senate knows and well knows that certain acts which are not unlawful in themselves become unlawful when committed in combination with others, and that the Sherman antitrust law is directed against combinations and conspiracies in restraint of interstate commerce.

A man may get the better of his competitors in a great many lawful ways by restraining the trade if he can, so long as he acts alone, but under the Sherman antitrust law these lawful acts when exercised in combination with others become unlawful, not immoral, not unlawful according to the common law, but unlawful under the terms of the antitrust act.

Take the Lawrence cases, which were referred to yesterday. Mr. Ettor and Mr. Giovannitti were indicted for bringing about the death of a woman. I believe the fatal shot was fired by some one at a striker, and an innocent bystander was killed. Mr. Ettor and Mr. Giovannitti were indicted for inciting to murder on the theory that they had advised and urged acts of violence, and that they were therefore liable for the consequences that might properly flow from those acts.

But take the case of Mr. William M. Wood, president of the American Woolen Co., one of the chief beneficiaries under the Payne-Aldrich tariff law. Mr. Wood was indicted by a Massachusetts jury for conspiring with Mr. Atteaux and Mr. Collins in taking dynamite to Lawrence in order to plant it in the residences of the strikers, so that it might be found there and they might be brought into disrepute or perhaps be punished for having it on their premises.

The prosecution, which will begin May 19, I believe, in Massachusetts against Mr. Wood is under the Massachusetts statute, and, as I understand it, if Mr. Wood had transported the dynamite to Lawrence himself instead of having somebody else to do it, then it would not have been a crime. So, under the Sherman Act it is not a crime to do many things by one's self, but when done in combination those things become unlawful.

Now, under this act the law department is left perfectly free to punish all crimes when they are crimes in and of themselves. Crimes like assault, crimes like manslaughter, if committed where they will give the Federal Government jurisdiction, will be prosecuted, and this money may be spent under the terms of this act for that purpose. But it is fair to say that very few common-law crimes do come under the jurisdiction of the Federal authorities.

One reason why I favor this law is brought out by the cases of Ettor and Giovannitti. They were arrested and imprisoned without bail until they were acquitted by a jury of their peers. The evidence was published in the newspapers. We all read it. It was flimsy in the extreme. I have no hesitation in charging that their arrest and imprisonment was brought about by the mill owners, not with any expectation of securing a conviction, but in the hope that their arrest would cow the other strikers and that their absence would break the backbone of the strike.

It is because capital has succeeded in using the police, the militia, legal process, and the courts for their own benefit that I believe the Congress should even matters so far as possible by legislation like this. It is because beneficiaries of the tariff law like Mr. Wood have undertaken to circumvent their employees by tricks and by unjust imprisonment and prosecution; it is because capital has such immense resources and such a tremendous pull or influence over public authorities that I favor laws for them which shall not apply to farmers and wage earners. They have set themselves apart as a class of gilt-edged beneficiaries, and I believe it is just to have class legislation against them as much as to have class legislation for their benefit.

I believe, as I said at the outset, that I was sent to the United States Senate by the State of New Hampshire because I hold these views on this subject, and I should fail in my duty if I did not state what I believe to be the true attitude of New Hampshire on this question.

Mr. GALLINGER. Mr. President, I am not going to do more than say a word at this time. The vigorous defense of my colleague of certain labor leaders attracted my attention. The suggestion that my colleague made, inadvertently I hope, that he wanted to go on record as one Senator from New England who had sympathy with the labor class does not apply to me. I came up through the ranks of laboring men as to some extent did my colleague, and all through my life I have had the profoundest sympathy for the men who earn their bread by the sweat of their brow. For many years I belonged to an organization of laboring men, and if I am not mistaken I am still in good standing with that organization. So it is not quite fair for any Senator expressing his own views, however radical or extreme they may be, to call in question the integrity of his associates. While I have never advertised myself as a special advocate of labor organizations and labor unions, I should be doing myself an injustice if I consented to permit any Senator to put me in the attitude of being hostile to their interests.

On yesterday I alluded to Mr. Haywood and Mr. Ettor. I had forgotten the distinguished Italian who cooperated with them, and whose name my colleague has mentioned, Mr. Giovannitti. We know what they did. We know what utterances fell from their lips on Boston Common and elsewhere. We know that they went into Lawrence for the purpose of creating strife and discord and agitation, and they accomplished it, all in the name of labor, and we know what the result has been.

Now, Mr. President, two days ago this same man Haywood, in the city of Boston, which has been called sometimes the Cradle of Liberty, exercising the privilege that he claims belongs to him to say anything that he chooses to say on public questions, uttered these words:

> It is against my ethics to enter into an agreement with the capitalist class at any time. Our motto should be to exterminate that class and "emancipate" ourselves. Our organization stands for that, and has in view a new society when all industries will be operated by the working classes and for their benefit.

Mr. President, we are a patient people. If we were not a patient people a man who uttered a statement in public that he was in favor of exterminating the capitalist classes of this country would be taken care of by the legal forces of the United States.

So I say, Mr. President, I am not opposed to the laboring men or to the cause of laboring men, but I am opposed to men like that. I hope the time will come when the Senate of the United States in its wisdom will be willing to help to enact laws that will take care of that class of men and that will prevent them from inciting the poor people whom they are haranguing from day to day to acts of violence and murder.

Mr. President, that is all I care to say now. I may have something further to say before the debate closes.

Mr. WORKS. Mr. President, I was greatly surprised and not a little concerned to hear a Member of this body declare that he is in favor of class legislation, but my mind was somewhat relieved when I heard the Senator express his peculiar views as to what constitutes class legislation. I am strongly in sympathy with labor organizations established and used for the

purpose of maintaining reasonable wages and hours of labor and for the general uplift of laboring men. But I have no sympathy with the use of that or any other organization for the commission of violence to attain their ends.

We have hundreds of these organizations in this country. I do not believe they are within the terms of the Sherman antitrust law, but those same organizations may combine and confederate together just the same as any other organization for the unlawful purpose of restraining trade. If they do, then they bring themselves within the terms of the antitrust law and should be subject to its prohibitions and its penalties.

But we are told that this proviso declares that the money shall not be expended for unlawful acts. It is not necessary that that provision should be contained in the law itself to protect against acts that are not unlawful, and certainly the Senate of the United States ought not to put itself in the position of forbidding the judicial officers of this country from prosecuting any man who commits an unlawful act in violation of the statutes of the country.

Who is to determine whether the particular act charged in a given case is unlawful or not? How is it to be determined? Necessarily, the only proper way is, if the prosecuting officer believes it to be an unlawful act, to prosecute the offender. But we say to him in advance, if this is not an unlawful act and you should prosecute it as such and the Government be defeated, then you have in violation of this statute misappropriated the funds of the Government. I say that is a cowardly thing for Congress to do.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Nebraska?

Mr. WORKS. I yield.

Mr. HITCHCOCK. Did I understand the Senator from California to say that, in his opinion, the legal department was in such a position that it would be unable with its ordinary machinery to prosecute a man who had violated, or an association which had violated, the Sherman antitrust law?

Mr. WORKS. Not at all. I have not said anything of that kind.

Mr. HITCHCOCK. The Senator from California will realize that for many years after the Sherman antitrust law and other laws like it were placed upon the statute books, there was no special fund of this sort to make prosecutions of a criminal nature, and some civil cases were carried on by the department without using this fund at all. Some of the greatest cases from a historical standpoint were prosecuted with the ordinary machinery of the legal department; and at the present time the legal department is under no necessity to resort to this particular fund, but has abundant means of prosecuting ordinary cases that may come to its attention.

Mr. WORKS. But, Mr. President, I assume that if Congress is appropriating $300,000 for the specific purpose of prosecuting violations of this particular act, it would be upon the theory that the funds now provided for that purpose are insufficient, or else it is not necessary to make any such appropriation at all. Besides that, undoubtedly the Attorney General, with this prohibitive provision contained in the act, would take it as a direction to him not to prosecute any labor organization or farmers' organization under this particular law. Are we going to put ourselves in that position—to tie the hands of an officer whose duty it is to prosecute any offender of any statute of the United States by withholding from him the necessary funds that should be provided for that purpose? That is precisely what we are proposing to do.

The distinguished senior Senator from Iowa [Mr. CUMMINS] has declared his disagreement with my views as to the efficiency of the Sherman antitrust law. If the Senator had done me the courtesy and the honor to listen to my views on that subject as I expressed them in this Chamber yesterday, he might feel differently about it. I have never claimed that the antitrust law was not a just and righteous piece of legislation. As a declaration of right principles in the conduct of business affairs, it is a most excellent provision; as it relates to the mere question of dissolving combinations and organizations formed for the purpose of restraining trade, it is an effective remedy; but the position I took, Mr. President, was that the act did not go far enough; that it did not apply to specific acts intended to restrain trade, no matter to what extent they might go.

The Senator from Iowa gives emphasis to my objection to the statute in that respect by saying that it is quite doubtful in his mind whether physical violence used in restraint of trade would be within the statute. I am ready to go just as far as my friend from Iowa will go to make the antitrust law just as effective to prevent this kind of combination and also specific acts that are intended to interfere with trade and commerce. As I understand, the Senator from Iowa is making a study of this very question for the purpose of ascertaining what amendments to the statute may be made in order to render it more effective, and I sympathize entirely with that effort.

Mr. President, if Congress believes that the present antitrust law includes labor and farm organizations, and at the same time believes that it ought not to do so, then the proper and the just thing for us to do is to go back to that original statute and so amend it as to take them out of its provisions. No one would be more ready to do that than I if it is confined to labor organizations in the proper and legitimate sense of that term; but whenever labor organizations confederate together or conspire to do an unlawful thing in violation of this statute they ought to be prosecuted and held responsible just the same as any other organization.

So, Mr. President, I am not myself willing, however much I may sympathize with the object and purpose of labor organizations, to put myself in the attitude of inserting a provision in this appropriation bill that should, if it is a proper provision at all, be made an amendment to the original statute.

Mr. LODGE. Mr. President, I shall detain the Senate only a very few moments. I merely desire to put into the RECORD my own reasons for voting in favor of the amendment proposed by the senior Senator from New Hampshire [Mr. GALLINGER].

Those reasons are confined strictly to the character of the two provisos. Those provisos are attached to a special appropriation, which is added to the regular appropriation for the purpose of enforcing a particular law.

I am inclined to agree with the Senator from Iowa [Mr. CUMMINS] in his view that that is not a wise practice; that the general appropriation should be made sufficient to enable the Department of Justice to enforce the laws, and that it is not well to single out one for peculiar care. But this is only a repetition of what has before occurred. We have made these appropriations, special appropriations, for the enforcement of the so-called Sherman Act, and it was done by Congress with the very natural desire to show the zeal which they felt against trusts.

I once heard Mr. Speaker Reed say in the House of Representatives that the House was not what he should call a "courage center"; but when it comes to dealing with trusts, there is no doubt about the courage of Congress; they are entirely fearless; and the appropriation of this extra fund for the enforcement of the law was introduced to show, I think, not only their zeal, but the soundness of their opinions. So it is not worth while arguing for or against the merit of these extra appropriation funds to enforce particular statutes. They are there.

The objection to the provisos, to my mind, Mr. President, is not that they are class legislation in the sense in which that term has been used in this debate. The Senator from Iowa pointed out yesterday that a great deal of legislation passed by Congress was in its nature and effect class legislation, and that same proposition has been renewed to-day by the junior Senator from New Hampshire [Mr. HOLLIS] and fortified by him with a wealth of original illustration. I therefore think it is not necessary for me to point out that much of our legislation necessarily, like the pure food and drug act, in its operation falls on a particular class of the community.

The objection to these provisos, to my mind, is not that they embody a law which in its operation reaches a particular class; it is that they are intended to exempt certain persons and certain classes from the operation of a universal law as it stands on the statute book—a law that is by its wording intended to apply to everybody. The classes which are thus exempted, Mr. President, are very large, very important, very numerous. If they were not numerous, I fancy they would not be exempted. But they are given in this way a privilege which is a wholly different thing from what is ordinarily called "class legislation." This provision creates not a class, but a privileged class. It gives a certain privilege to important bodies of our fellow citizens, a privilege which the great majority of the American people do not enjoy.

Mr. President, I suppose that it is very old-fashioned in me, but I have been brought up on the idea that one of the foundation stones of the American Republic was the equality of all citizens of the Republic, of all freemen, before the law; that whatever else the Republic of the United States has done or failed to do, it has maintained that principle in intention at least. This seems to me a departure from that great principle. It is no answer to say that under this clause as it is drawn, with the phrase "provided the act is not unlawful," it would not, therefore, be efficient. Mr. President, that sort of legislation is the worst that can be put on the statute book—legislation which "keeps the word of promise to our ear and breaks it to our hope"; legislation which pretends, in answer to the

demand of a great class, by shrewdly chosen words, to grant the demand, while in reality it does not.

Nor does it make any difference, Mr. President, so far as the principle involved is concerned, that this applies only to the extent of a special appropriation which perishes at the end of the fiscal year. The principle remains; and that is, that here deliberately we place upon the statute book a provision that certain citizens of the United States—among the best that we have, men who make the backbone of the country, no doubt—that those men, if they belong to certain associations with certain objects, if they are engaged in the promotion of certain excellent purposes and causes, shall be exempt from the operation of a law to which all other American citizens are subject. The large majority of men who work with their hands, for example, are not embodied in labor unions, and to them the provisos give no privilege.

Mr. President, if the Sherman Act by a literal interpretation has been made to work hardship against classes of our community or against individuals whom it was never intended to include in its penalties, then the thing to do, as the Senator from Iowa [Mr. CUMMINS] said yesterday, is to amend the act and make it what it ought to be; but while the act stands upon the statute book universal in its language, applying, as we all have supposed, to all men alike who should violate its provisions, I say, it is a dangerous thing for us to give a privilege to any man by which he can violate a universal law with an impunity guaranteed to him by law, which his fellow citizens do not possess.

Mr. SMITH of South Carolina. Mr. President, I do not think there is any doubt that, viewing it from an abstract standpoint, there is room for argument on both sides of this question, but there is not a Senator on the floor of the Senate who is not perfectly cognizant of the fact that the Sherman antitrust law was never conceived of as a restriction against labor or against the agricultural interests. The whole agitation, as is set forth in the debates on antitrust legislation during the passage of the legislation, indicates this fact—and around that one fact circle all the arguments in favor of an antitrust law—that it was aimed at the unrestricted and unrestrained power that accompanied great aggregations of actual wealth. It was directed against a system under which a few individuals having in their possession great financial resources, holding in their hands, as it were, the very lifeblood of commerce, could at their sweet will cut the wages of those who converted the raw material into the finished product on the one side, and dictate the price to those who produced the raw material on the other side. There is not a farmer in the Senate—and I suppose there are a few here—who has labored with his own hands, who has toiled to produce that which would minister to the needs and the comforts of the people of this country of ours, who has been engaged in producing our staple products, but has felt the power of aggregate capital overriding and subverting the law of supply and demand, and reducing it not to the law of supply and demand, but to the law of money supply and "the man." There is not a man who does not understand that this legislation was aimed at these aggregations of capital which, under the peculiar genius of our Government, were left, until the antitrust law was passed, practically unrestricted.

There is a strange absurdity just here. The Senator from California [Mr. WORKS], who has just taken his seat, deplored, as other Senators have done, the fact that this is class legislation. I am a member of the Committee on Agriculture and Forestry. We are busy from the beginning of one session to the other in appropriating millions of dollars for the purpose of sending out farm demonstrators, and teaching the farmer, at the expense of the National Government, how to produce more. The cost of living has gone high because men have been induced to leave the farm and flock to the centers where these great aggregations of capital promise a man greater return for the work of his brain than on the farm. If this labor is not organized, it is left at the mercy of the man who has the organization and the capital.

I say we are spending millions of dollars to teach the farmer how to grow more, separating him as a distinct class from all other classes, and sending out these special agents for the benefit of the country. Then in the next breath we say to him: "We propose to teach you how to grow more; we propose to relieve the condition that confronts us; but, on the other hand, if you attempt to take charge of your own business, and in a legitimate way combine to get out of it that which you think your own toil is worth, you become subject to the same law that is to be applied to the man who never toiled, who does not work, but who, by inheritance or other means, has come into the possession of vast wealth which represents the accumulated toil of thousands." When the farmer asks that he may have a few more comforts by virtue of the sale of that which he has toiled to produce, we are putting him under the same law as the man who, by the unholy use of his capital, despoils the producer on the one hand and the laborer on the other.

Mr. President, I notice that Chief Justice Fuller, in giving his decision of the famous hatters' case, made use of the expression, quoting from another decision, that this law originated in an attempt on the part of Congress to regulate aggregations of capital, but that on account of their failing to incorporate in the law the very amendment which Mr. Sherman himself introduced, providing that labor and agricultural organizations should be exempt from the operations of the law, it became applicable to all organizations.

I desire to call attention now to a famous case that occurred in 1889, I believe. The farmers and the laborers of this country were the chief agitators against the oppressions of these combinations of capital. They were the ones petitioning Congress for relief. Certain individuals about this time had gotten possession of the bagging factories of this country, and in a short time after they obtained possession of them they served notice on the entire cotton-producing section of the country that they proposed to advance the price of that upon which 9,000,000 people were dependent for covering for their cotton. A few men, combining their capital, were going to extract from those who were preparing for market a great commodity, a commodity upon which the comfort and convenience of millions depended, not a reasonable profit but an unholy profit, simply because they had the wealth and power to do it. The farmers met together and combined and said they would agree not to use this bagging. They had an iron-bound oath not to use it; and the result was that they were liberated from this oppression and ruined the aggregation that had proposed to fleece them.

Take the equity that is involved in that case. A few men were combining not for the purpose of getting necessities, not for the purpose of attempting to better their conditions, that they might educate their children and make their homes a little more comfortable, but in order that they might add to their already unnecessary capital at the expense of those that were producing the wealth of the world. According to the contention of those on this floor, the application of the antitrust law should have stopped these men in their effort to resist the combination of capital that was seeking to fleece the millions engaged in the production of this great necessity. The application of that law would have resulted in each one of these farmers being liable to fine and imprisonment, while under the peculiar form in which the bagging combination was made the persons making it could have gone scot free, for the contracts were made within the State. The price which those that bought the product were forced to pay was paid in the State. It did not become an interstate transaction, because all the contracts were made and filled within the State. So that the combination which was robbing the people, which was laying this burden upon them, would have gone free, while those who were purchasing the product and shipping it to the various States under this unholy price would have been subject to prosecution under the Sherman antitrust law.

There is one other fundamental difference as I see it, and that is this: Wealth in the form of capital is actual. Wealth in the form of muscle and effort, wealth in the form of field, forest, and factory is potential. The object of our Government, as I understand it, is to encourage a diffusion of wealth that will make every man a patriotic citizen, realizing that under the law, no matter what subterfuge may be resorted to, it will be possible for him to get a just return for the labor expended. There is not a man on this floor who will dare stand up and declare that he believes the farmers of this country and the laborers of this country under the actual, practical operation of our law have gotten their just return for the vast wealth produced in this country.

Speaking about class legislation, a majority of the people in this country are engaged in doing the labor in both field and factory. It has been said here this afternoon that we are catering to those engaged in labor and in agricultural pursuits on account of their numbers rather than on account of the equity involved.

The whole thing resolves itself back into this: We as legislators should see to it that labor, the actual force that converts capital into that which we need, shall not be oppressed by capital in its aggregate form; that the farmers of this country have a right to combine for the purpose of diffusing wealth and not for the purpose of concentrating it.

It is absurd and idle to stand on this floor and argue that if the hundreds and thousands of laborers employed in a steel factory were to strike and secure a raise in their wages the result of that would be as disastrous to the people at large

as for the capitalists engaged in this industry to combine and put an unholy price upon that which labor has produced and concentrate that wealth in the pockets of a few and menace this very Government, as was done in 1907.

When wages are raised it results in a diffusion of capital and an impetus to trade. It creates with the wage earners the very means of increasing their purchases; and everyone knows that their desires are far from being fulfilled. The same is true of farm products. No man would stand and argue that actual capital, with its powerful potentiality in the hands of a few, should be treated under the same law and in the same way as the desire of those who labor and cause to be produced that which was not produced before. No man will contend that the millions of farmers and laborers in this country should be treated under the special law in reference to combinations, when the purpose of one class of men is to get the necessities of life, while the purpose of the other is to increase their millions out of the necessities of life. They lie in different fields; they are entitled to different legislation.

If we Senators, selected out of all of the millions of people in this country, are so obtuse that we can not stand in this body and draw a distinction between those who have and have more than they are entitled to and those who have not or have less than they are entitled to we are not worthy of seats in this august body. I, for one, shall vote to retain in this bill this provision just as it is, for the reason that I believe the author of it meant to say, even if it is a little awkwardly expressed, that the farmers and laborers of this country shall not, in the process of organization, be considered subject to the operation of the antitrust law, but shall be subject to the operation of other laws that pertain to violence and bloodshed and whatever else may be incident to their actions but for which nothing can be visited upon the organization.

If a lot of farmers were to organize for the purpose of raising the price of a commodity, and some one among the organization were to commit murder, the purpose for which they organized was not for murder, and the individual who committed the murder would be subject to the law that controls murder. The same is true of all other organizations. But the specious argument that because there has been violence therefore they ought to be restrained from any effort to relieve themselves from an unhappy condition is an absurdity that none of us should allow to have even serious consideration.

I, for one, heartily agree with the Senator from New Hampshire [Mr. HOLLIS] when he says, "If I am riding in an automobile and it does not show evidence of getting there I shall walk." The provision serves notice on the courts that we do mean to eliminate agricultural and labor organizations from the operation of the Sherman antitrust law, and therefore I am going to vote for it until such time as I shall have the privilege of voting for an amendment to the original law.

Mr. HUGHES. Mr. President, it seems to be fairly clear now what the supporters of the language which the senior Senator from New Hampshire [Mr. GALLINGER] desires to strike from the bill hope to accomplish.

I doubt very much if the laboring people of the United States, or many of the Senators, are aware of the position now occupied by the laboring people of the United States. There should be no question in the mind of any man as to the right of the working people throughout this country, prior to the passage of the Sherman antitrust law, to form themselves into organizations or combinations. Since the repeal of the statute by which the justices of the peace in England fixed the workingman's wages and made it a misdemeanor for a man to accept more wages than the justices fixed, it has never been suggested in any Anglo-Saxon community that working people had not the right to form themselves into combinations or organizations for the purpose of making collective bargains with reference to the rate at which they would sell their labor or the conditions under which they would work.

At the time of the passage of the Sherman antitrust law, as was clearly shown by the debates in this body, there was a great hue and cry throughout this country against certain great aggregations of capital. The Standard Oil Co. was specifically referred to in the debates in this body, and several Senators asked the author of the Sherman antitrust law the direct question of whether or not this legislation could, by any sort of forced construction, be held to apply to combinations of workingmen. The proposition was hardly treated seriously in this body, and when the Senator from Mississippi, Senator George, in order to make assurance doubly sure, offered an amendment substantially the same as the language carried by the proviso in this bill, there was not a single vote cast against it in this body.

The working people of the Nation having been reassured by the debates, and reassured by the statement of the author of the bill and by the action of its friends upon the floor, there was no comment even when that language was finally dropped at the time the bill was recommitted to the committee, stripped of that and many other amendments, some of which the author of the bill complained were plainly intended to kill his legislation.

There was no criticism of the legislation, largely because of the statements made by the author and the supporters of the bill that it was far from the mind of any Senator to attempt to prevent the laboring people of America from exercising the rights that the laboring people of every civilized country in the world were then exercising. They had that right, then, prior to the passage of this law; but, Senators, I say to you that they have not that right now. If there is one thing that stands out clearly in the decisions handed down construing the Sherman antitrust law, it is that a combination of men engaged in producing a commodity which is to become the subject of interstate commerce is in violation of that law.

I say to you that any railroad strike that may be called for any purpose is a plain violation of that law, and the men participating in it may be civilly and criminally prosecuted under its provisions. They may be prevented from formulating and presenting their demands even as an organization, without a strike or a threat to strike. Under the provisions of the law and the decisions of the courts as they stand to-day every railroad employees' organization in this land is an organization and a combination in restraint of trade.

It was never intended to give the language of the law that construction; and it was not until that construction was given to it that any attempt was made to limit and correct what nearly every man thinks is a wrong interpretation of the law. In another body, in the year 1910, this language, by way of limitation on an appropriation bill, was offered and adopted. In 1910 three times, as I recollect, this provision was submitted to this body and was here rejected. Finally, in conference, it went out. But then, as now, many gentlemen who held that they could not vote for the provision also held that it was unnecessary, and to-day the gentlemen who seek to strike the language from the bill which will prevent the Attorney General from using this particular fund to prosecute the Brotherhood of Railroad Trainmen, the firemen, or the engineers for being in a combination the object of which is to restrain trade by means of strikes say that this legislation should not be enacted, that we should not seek to bring about this change of legislation by indirect methods. Yet, when the Senator from North Dakota [Mr. GRONNA] offered an amendment which would change the substantive law, on its face an amendment to the Sherman Antitrust Act, a point of order was interposed by the Senator from New Hampshire [Mr. GALLINGER].

If the Senate desires to pass upon this change of the law, it has it in its power to do so now. But this is the treatment that laboring people have received at the hands of their alleged friends in many legislative bodies throughout the country. The point of order can be withdrawn if the Senator from New Hampshire desires to withdraw it, and if his colleagues do not interpose it again, here and now the Senate of the United States can say whether or not it desires to deal with organizations such as the Standard Oil Co. was, and other great aggregations of capital are, in the same terms and in the same manner as it deals with organizations of labor.

Senators say it is class legislation. When you give a class in this country a special interest you are bound in some way to compensate the class against which that privilege operates. You gentlemen for years have pursued a fiscal policy which enables a manufacturer in this country to sell his goods in a protected market, and your fiscal policy also permits him to buy his labor in a free-trade market, so that the laboring people of this country are ground between the upper and the nether stone.

The countries of the world are searched and scoured for men whose conditions of life, whose training, and, perhaps, lack of educational advantages make them satisfied with less than that which the American laborer demands. Hordes are brought to this country and can be seen any morning in any industrial town knocking at the factory door for an opportunity to take bread out of the mouths of American laboring people for whom you claim to be legislating. This Chamber in a week or two will be resounding with the groans and sobs of gentlemen on the other side of the aisle denouncing legislation because in taking away the privilege of some swollen tariff beneficiary you pretend to think that the American laborer is going to be injured.

When you compelled the American laboring man to sell his product in a free-trade market and to buy that which he used in

a protected market, you did it on the theory that the protected manufacturer would hand down a part of his gains; that he was simply the trustee to hand down what he received to the workingmen whom he employed.

But you never asked him to give a bond and you never asked him to carry out the trust. It became necessary for the American laboring men to form themselves into unions, combinations, or organizations in order that the laborer might present his side of the case in company with his fellows, in order that when he spoke for one he might speak for the thousands who gave him strength as they stood behind him. Yet by indirection and by an interpretation of the statute by the courts their rights and privileges are swept away like a cobweb before a blast of wind, and when we attempt in the only way we can to restore him to his former condition, gentlemen who have been voting for class legislation all their lives become horrified at the thought. It is true that it is class legislation in my judgment. It is also true, however, in my judgment, that one piece of class legislation begets another, and the class legislation that begets this is the tariff law that you passed enabling men to get more for their products than they were worth on the plea that they would hand a part of it down. It has not been handed down. So the combinations and organizations of labor are in existence, and they had their right to be in existence. That was never disputed until the passage of the Sherman antitrust law and certain court decisions under that act.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from New Hampshire?

Mr. HUGHES. I yield.

Mr. GALLINGER. The Senator has made and has repeated the point that the manufacturers refuse to hand down any part of their profits. I presume the Senator is familiar with the report of the Royal British Commission, made, I think, a year ago, in which they said, from a very exhaustive examination both in Europe and in this country, the laboring men of this country are receiving twice as much in wages as they are in Great Britain. Does not the Senator think, after all, that some part of the profits have been handed down to the laboring men in the United States?

Mr. HUGHES. I am not familiar with the figures that the Senator quotes, but in view of the privileges that the Senator's party has extended to certain favored people in this country and the control that they have given them over the prices of commodities and the necessaries of life, I should think it would be more like even-handed justice if they received four times what is received in European countries rather than two times what is received abroad. The fact remains that it will not be handed down, and it never can be handed down so long as the American workingman sells his commodity on a free basis and so long as he must buy in a protected market. The slightest thought or investigation will convince the Senator of that.

However, I desire to make my position clear with reference to this amendment. The situation I am placed in is this: I have an opportunity now to help this body to say that it is not now and never was intended to class organizations of labor with the organizations of capital at which the antitrust legislation was directed. I want to help this body to say, if I can, that when a judicial interpretation of the statute bears against the people who are the real bone and sinew of this Nation, so far as legislation can do it I am going to help to remedy that wrong.

In England some years ago when by a similar judgment of a court interpreting the common law or a statute it was held that organizations of labor going upon a strike entered into a conspiracy, that the man or men against whom they struck had been damaged, and that this organization of labor was responsible in damages, and when they were mulcted in a great sum of money, the British House of Parliament promptly met the emergency. They did not fear and they do not fear class legislation. They promptly met the emergency with a bill that exempted organized labor from such legislation, and set aside the interpretation placed upon the legislation by the court.

I ask you, Senators, if the English Government is to be any more fair, decent, and liberal in its treatment of English workingmen than the Congress of the United is to be in its treatment of American workingmen? I would be glad to vote for the amendment offered by the Senator from North Dakota, to which the Senator from New Hampshire interposed a point of order, if I could, and I point out to him the way in which he can give the Senate of the United States an opportunity to pass upon that question directly.

Mr. GALLINGER. Mr. President, will the Senator permit me?

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from New Hampshire?

Mr. HUGHES. I do.

Mr. GALLINGER. I simply availed myself of a rule—plain and unmistakable—of the Senate; and I want to say to the Senator from New Jersey that I had notice served on me from both sides of the Chamber that if I withdrew the point of order it would be renewed.

Mr. HUGHES. The Senator is only responsible for his own action. I put it to him now to see if any other Senator will renew the point of order.

Mr. GALLINGER. I quite take the responsibility. I do not shrink from it. I have no disposition to withdraw the point of order.

Mr. HUGHES. If the Senator desires to take the responsibility, there is no need to attempt to shift it to any other Senator on either side of the Chamber. It is well known, Mr. President, that a single Senator can interpose a point of order against the amendment as offered. They also know that that is the reason why the proviso appears in the shape that it does appear. As it stands now it is a limitation upon a fund, and under the rules of the Senate that is the furthest limit to which this body can go over the interposition of a point of order.

Now, I want to read for the benefit of the Senator from Massachusetts [Mr. LODGE] a statement which was made during the debates upon the Sherman antitrust law. I want to show him that the supporters of this amendment, the advocates of this language as it appears in the bill, are not all radical, are not necessarily extreme in their views. If the Senate will bear with me, I will quote from the debates in the Senate under the date of March 27, 1890:

> When you are speaking of providing to regulate the transactions of men who are making corners in wheat, or in iron, or in woolen or in cotton goods, speculating in them or lawfully dealing in them without speculation, you are aiming at a mere commercial transaction, the beginning and the end of which is the making of money for the parties, and nothing else. That is the only relation that transaction has to the State. It is the creation or diffusion or change of ownership of the wealth of the community. But when a laborer is trying to raise his wages or is endeavoring to shorten the hours of his labor, he is dealing with something that touches closely, more closely than anything else, the Government and the character of the State itself.
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> The maintenance of a certain standard of profit in dealing in large transactions in wheat, or cotton, or wool, is a question whether a particular merchant, or a particular class of merchants, shall make money or not, or shall deal lawfully or not, shall affect the State injuriously or not; but the question whether the standard of the laborer's wages shall be maintained or advanced, or whether the leisure for instruction, for improvement, shall be shortened or lengthened, is a question which touches the very existence and character of government of the State itself. The laborer who is engaged lawfully and usefully and accomplishing his purpose in whole or in part in endeavoring to raise the standard of wages is engaged in an occupation the success of which makes republican government itself possible and without which the Republic can not in substance, however it may nominally do in form, continue to exist.
>
> I hold, therefore, that as legislators we may constitutionally, properly, and wisely allow laborers to make associations, combinations, contracts, agreements for the sake of maintaining and advancing their wages, in regard to which, as a rule, their contracts are to be made with large corporations who are themselves but an association or combination or aggregation of capital on the other side. When we are permitting and even encouraging that we are permitting and encouraging what is not only lawful, wise, and profitable, but absolutely essential to the existence of the Commonwealth itself.

I am quoting from the speech of Senator Hoar, of Massachusetts, made in support of or at least in connection with the amendment offered by Senator George, of Mississippi, to take from without the provision of the Sherman antitrust law organizations of labor.

I have no desire to detain the Senate further. I will close by saying that I trust the time is not far distant when an opportunity will be given to the Senate to pass upon this question, not as a few lines appearing in the middle of an appropriation bill but as a substantive proposition, not limiting or tying the hands of the Attorney General in certain directions but as saying to the Nation, and to the courts particularly, that it never was intended and is not now intended to prevent organizations of laboring men from combining to do the thing that they are permitted to do in the language of the proviso.

Mr. CRAWFORD. Will the Senator before he takes his seat permit me to ask him a question?

Mr. HUGHES. Certainly.

Mr. CRAWFORD. There seems to be some difference of viewpoint among those who favor this proviso as to how far they go, and knowing that the Senator from New Jersey has given a great deal of attention to this matter and matters of this kind I should like to have his opinion.

It has been suggested in the discussion that the law would remain the same, and the general appropriation for the Department of Justice would be available for the purpose of prosecut-

ing labor organizations and farmers' organizations that were guilty of the offense this particular appropriation is prevented from being used in the prosecution of. If I understand correctly, that is the viewpoint.

Now, if that is correct, what have we here except this, that it will still be the duty of the Attorney General and the Department of Justice to prosecute labor organizations which violate the antitrust law in this particular respect; it will still be the duty of the Department of Justice, under the Attorney General, to prosecute farmers who violate the antitrust law in this particular respect; and the only modification will be that the expenses will be paid out of a general appropriation instead a part of this appropriation of $300,000 being used for that purpose. Therefore these provisos are narrowed down in effect to the simple question whether or not a part of the specific appropriation of $300,000 may or may not be used in prosecuting them as well as industrial organizations or railroad organizations or any other organizations that violate the antitrust law.

It seems to me that if that viewpoint is correct we are spending a great deal of time discussing a wider view of the case, that falls here in a very narrow compass, indeed, and will only relate to the disposition of $300,000 during one fiscal year. Does the Senator from New Jersey agree to that view?

Mr. HUGHES. I do agree with some of the suggestions made by the Senator, but, owing to the distance between us, I can not say that I followed him altogether.

Mr. CRAWFORD. I tried to make myself clear.

Mr. HUGHES. I think perhaps if I state my position the Senator will be satisfied.

Mr. CRAWFORD. Did the Senator understand my statement?

Mr. HUGHES. Not altogether; but I think the Senator will be satisfied if I state my position.

I do not attach much importance to this sum of money which is appropriated. I think it has outlived its usefulness. I always thought that it was intended originally as a sort of accelerator for the production of campaign contributions, but in these days of publicity of such gifts it has rather outlived its usefulness. I have never feared, and I do not fear now, that the present administration will use any of this particular fund, or any other fund, for the prosecution of organizations of labor. I am simply desirous of having the Senate retain this language in the bill, because to strike it out would be to say that the Senate of the United States was against differentiating between organizations of labor and organizations of capital.

Mr. CRAWFORD. I think now I understand the Senator.

Mr. President, it seems to me that we ought to deal in a straightforward, frank, and effective fashion with a question of this kind. I admit that there is an environment, there is a human equation in the labor organizations and in the struggle of its members for existence, that give it a strength of appeal that we do not find in the struggles and in the strife between great corporate industrial bodies such as we usually have in contemplation in connection with antitrust laws. I believe that there is much that deserves very careful consideration in a proposal to amend permanently and in an effective way the antitrust act as suggested in the amendment of the Senator from North Dakota [Mr. GRONNA]; but should we play with a serious question like that by admitting here that this little item of $300,000 in an appropriation bill for one fiscal year ending June 30, 1914, is to be used simply for the purpose of making a sort of general declaration in regard to which we may claim this or we may claim that? I can not believe that that is the way to deal with so important a question as this; and on that ground, and that ground only, I shall not vote in favor of the retention of these provisos in this bill.

Mr. MARTIN of Virginia. Mr. President, I ask unanimous consent that the pending bill be laid aside temporarily, and that its consideration be resumed immediately after the conclusion of the routine morning business on to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ADDITIONAL CLERKS TO SENATORS.

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of Order of Business No. 11, Senate resolution 19.

Mr. STONE. What is it?

Mr. SMOOT. A resolution that all Senators having less than three employees as chairman of committees, or otherwise, be allowed an additional employee, to be paid at the rate of $1,200 per annum from the contingent fund of the Senate until otherwise provided by law.

The VICE PRESIDENT. Is there objection?

Mr. MARTIN of Virginia. I did not hear the Senator, Mr. President. What was the proposition?

Mr. SMOOT. I moved that the Senate proceed to the consideration of Order of Business No. 11, being Senate resolution No. 19.

Mr. MARTIN of Virginia. Is that the resolution that was reported the other day from the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. SMOOT. It was reported from the committee on April 28, 1913.

Mr. STONE. How was it reported? What is the status of the resolution?

Mr. GALLINGER. Adversely.

Mr. SMOOT. It was reported adversely by the Senator from Mississippi [Mr. WILLIAMS] on April 28, 1913.

Mr. MARTIN of Virginia. Mr. President, the hour is quite advanced, we are tired with the work of the day, and there will be some discussion of that matter. I know, of course, there can not be discussion on a motion to proceed to its consideration——

Mr. SMOOT. I am aware of that.

Mr. MARTIN of Virginia. But there will be discussion of the resolution on its merits. So I——

Mr. SMOOT. Mr. President, I have no inclination whatever of crowding the resolution to-night. Would the Senator object to a unanimous-consent agreement that we take it up immediately after the disposal of the sundry civil appropriation bill?

Mr. MARTIN of Virginia. I do not think it is a matter that ought to be disposed of at this time by unanimous consent.

The VICE PRESIDENT. Objection is made.

EXECUTIVE SESSION.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 7, 1913, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 6, 1913.

COLLECTOR OF CUSTOMS.

Sinclair C. Townsend, of Georgia, to be collector of customs for the district of St. Marys, in the State of Georgia, in place of John M. Holzendorf, deceased.

SOLICITOR FOR THE DEPARTMENT OF COMMERCE.

Albert Lee Thurman, of Ohio, to be Solicitor for the Department of Commerce, vice Charles Earl, resigned.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Commander Allen M. Cook to be commander in the Navy from the 13th day of February, 1913.

Lieut. (Junior Grade) Robert W. Cabaniss to be a lieutenant in the Navy from the 30th day of March, 1913.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 13th day of March, 1913:

Everett W. Gould, a citizen of New York,
Worthington S. Russell, a citizen of New York, and
Robert G. Le Conte, a citizen of Pennsylvania.

First Lieut. Walter N. Hill to be a captain in the Marine Corps from the 5th day of February, 1913.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 28th day of April, 1913:

Alfred D. La Ferté, a citizen of Michigan.
David S. D. Jessup, a citizen of New York.
Horace V. Cornett, a citizen of Virginia.
Henry C. Macatee, a citizen of the District of Columbia.

First Lieut. Epaminondas L. Bigler to be a captain in the Marine Corps from the 16th day of September, 1912.

Carpenters Robert H. Neville and Joseph F. Gallalee to be chief carpenters in the Navy from the 19th day of April, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 6, 1913.

ASSISTANT ATTORNEY GENERAL.

Samuel J. Graham to be Assistant Attorney General.

COMPTROLLER OF THE TREASURY.

George E. Downey to be Comptroller of the Treasury.

AUDITOR FOR THE WAR DEPARTMENT.

J. L. Baity to be Auditor for the War Department.

AUDITOR FOR THE NAVY DEPARTMENT.

Edward Luckow to be Auditor for the Navy Department.

AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

Edward D. Hearne to be Auditor for the State and Other Departments.

APPOINTMENTS IN THE PUBLIC HEALTH SERVICE.

Carroll Fox to be surgeon.
Francis A. Carmila to be assistant surgeon.
Lionel E. Hooper to be assistant surgeon.
Luther W. Jenkins to be assistant surgeon.
Liston Paine to be assistant surgeon.
Moses V. Safford to be assistant surgeon.
Ernest W. Scott to be assistant surgeon.

APPOINTMENT IN THE ARMY.

Charles D. Daly to be first lieutenant, United States Field Artillery.

APPOINTMENTS IN THE NAVY.

DENTAL RESERVE CORPS.

Williams Donnally to be assistant dental surgeon.
George C. Kusel to be assistant dental surgeon.
Vines L. Turner to be assistant dental surgeon.

COLLECTOR OF INTERNAL REVENUE.

Henry Hayes Lewis to be collector of internal revenue for the district of Florida.

UNITED STATES DISTRICT JUDGE.

Robert W. Jennings to be United States district judge for the District of Alaska.

UNITED STATES ATTORNEYS.

Anthony van Wagenen to be United States attorney for the northern district of Iowa.

John A. Aylward to be United States attorney for the western district of Wisconsin.

UNITED STATES MARSHAL.

B. F. Sherrell to be United States marshal for the eastern district of Texas.

RECEIVER OF PUBLIC MONEYS.

John T. Hamilton to be receiver of public moneys at Miles City, Mont.

POSTMASTERS.

ARKANSAS.

William A. Bushmiaer, Alma.
Ernest J. Patton, Cabot.
G. G. Dandridge, Paris.
Louis K. Buerkle, Stuttgart.

CONNECTICUT.

John Joseph Molans, Seymour.
John J. Cassidy, Woodbury.

FLORIDA.

J. A. Williams, Alachua.
Crawford I. Henry, Apalachicola.
William Jackson, Daytona.
B. P. Morris, De Funiak Springs.
Bessie Bryan Simpson, Kissimmee.

GEORGIA.

W. F. Brown, Carrollton.
Henry M. Miller, Colquit.
Samuel B. Lewis, Fayetteville.
Charles V. Clark, Louisville.
Andrew J. Irwin, Sandersville.
Mattie E. Gunter, Social Circle.

IDAHO.

Manford W. Harland, Troy.

KANSAS.

J. H. Stanberry, Attica.
Leonard Shamleffer, Douglas.
J. W. Niehaus, Fort Leavenworth.
Gus Charles Buche, Miltonvale.
C. C. McKenzie, Morrill.
Claude Rowland, Protection.
A. B. Smith, Robinson.
A. Ellingson, Scandia.
A. F. Achenbach, Soldier.
Charles Hewitt, Wakefield.

KENTUCKY.

Charles E. Lightfoot, Cloverport.

LOUISIANA.

Cary E. Blanchard, Boyce.
Theodore Tate, Eunice.
Will A. Steidley, Kinder.
Adah Rous, Lake Providence.
Mary Hunter, Pineville.

MASSACHUSETTS.

Benjamin R. Gifford, Woods Hole.

MICHIGAN.

John C. Hoopingarner, Berrien Springs.
Leonard J. Patterson, Tawas City.

MISSISSIPPI.

C. S. Summers, Charleston.
Ollie O. Conerly, Gloster.
R. Parrish Taylor, Oakland.
Dora E. Tate, Picayune.
E. S. Chapman, Utica.

MISSOURI.

Harvey Morrow, Buffalo.
Patrick C. Gibbons, Edina.
J. Lee Johnson, Flat River.
William Warmack, Greenville.
M. W. Daugherty, Ironton.
T. B. Hardaway, Jasper.
De Witt Wagner, Memphis.
Charles C. Crickette, Queen City.
Hugh B. Ingler, Republic.
Edward T. Duval, Skidmore.
Abel F. Daily, South St. Joseph.
Meredith B. Lane, Sullivan.

NEW JERSEY.

Patrick J. Ryan, Elizabeth.

NEW YORK.

Frank D. Wade, Addison.
Henry A. Inglee, Amityville.
William F. O'Connell, Andover.
Alfred J. Kennedy, Flushing.

NORTH CAROLINA.

Russell A. Strickland, Elm City.
L. B. Hale, Fayetteville.

OHIO.

Forrest L. May, Dayton.
Elias D. Warren, Fairport Harbor.
Charles R. Gerding, Pemberville.

PENNSYLVANIA.

Cornelius Allen, Dubois.

SOUTH CAROLINA.

James R. Montgomery, Marion.

VIRGINIA.

George V. Cameron, Louisa.
Charles E. Clinedinst, New Market.
William C. Johnston, Williamsburg.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 6, 1913.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We come to Thee, O God our heavenly Father, with hearts bowed in sorrow, because death, always mysterious and unbidden, has visited this congressional body and taken from its midst a Member who was peculiarly fitted by natural gifts, education, and experience to serve his people and his country. But Thou art God; Thou knowest the beginning and the end; Thou hast ordered all things, and Thou doest all things well. Comfort us, his people, the stricken wife and children, by the eternal faith revealed to the world in the life, death, and resurrection of the Christ who thus brought to light life and immortality in Thee.

Swift to its close ebbs out life's little day;
Earth's joys grow dim, its glories pass away;
Change and decay in all around I see;
O Thou who changest not, abide with me!

Amen.

The Journal of the proceedings of yesterday was read and approved.

THE TARIFF.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state